



City of Huntington Beach Planning Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Jane James, Senior Planner ~~Hess~~
DATE: October 14, 2008
SUBJECT: **GENERAL PLAN AMENDMENT NO. 07-001 AND ZONING TEXT AMENDMENT NO. 07-002 (THE VILLAGE AT BELLA TERRA)**
APPLICANT/ PROPERTY OWNER: Lindsay Parton, BTDJM Phase II Associates, LLC, 922 Laguna Street, Santa Barbara, CA 93101
LOCATION: 7777 Edinger Avenue (between Edinger Avenue and Center Avenue, west of existing Bella Terra development and east of Union Pacific Rail Road)

STATEMENT OF ISSUE:

- ♦ General Plan Amendment (GPA) No. 07-001 represents a request for the following:
 - To amend the General Plan Land Use designation on 15.85 acres from the current CR-F2-sp-mu (F9) (Regional Commercial-0.5-FAR-Specific Plan Overlay-Mixed use Overlay-1.5 FAR [MU-0.5{C}/25 du/acre]) to the proposed CR-F2-sp-mu (F14) (Regional Commercial-0.5 FAR-Specific Plan Overlay-Mixed use Overlay-1.75 FAR with limitations) designation.
 - To amend the General Plan Land Use Element by amending Subarea 5A of the Community District and Subarea Schedule to establish Bella Terra Area A and Bella Terra Area B, and
 - To allow horizontally integrated mixed use in addition to the currently allowed vertical mixed use in Area B.
 - To increase the allowable residential density from the currently allowed 25 dwelling units per acre (du/ac) up to a maximum 45 du/ac (with limitations specified below) in Area B.
 - To increase the allowable commercial floor area ratio (FAR) from the current 0.5 to a maximum 0.6 commercial FAR (with limitations specified below) in Area B.
 - To increase the allowable total building FAR from the current 1.5 to 1.75 maximum FAR in Area B.
 - To increase the number of stories from the currently allowed maximum of four stories to six stories on a majority of the project site, up to a maximum of ten stories on a portion of the site in Area B.
 - To amend the General Plan Land Use Element and establish a new F14 FAR category with the following FAR limitations:
 - **Option 1 (Increased Residential).** Maximum total building area FAR of 1.75, commercial FAR of 0.2, and 45 du/ac, which would permit a maximum of 713 residential units and 138,085 square feet of commercial uses; or

- **Option 2 (Increased Commercial).** Maximum total building area floor area ratio of 1.75, commercial FAR of 0.6, and 34 du/ac, which would permit a maximum of 538 residential units and 414,255 square feet of commercial uses.
- ◆ Zoning Text Amendment (ZTA) No. 07-002 represents a request for the following:
- To amend the current Specific Plan No. 13 – The Crossings at Huntington Beach (renamed Specific Plan No. 13 – Bella Terra) to allow residential uses and establish residential design and development standards.
- ◆ Staff's Recommendation:
- Approve General Plan Amendment No. 07-001 and Zoning Text Amendment No. 07-002 with modifications based upon the following:
- Facilitates the existing General Plan Land Use Element Mixed Use overlay by providing for mixed uses on the site.
 - Facilitates the proposed modifications to Specific Plan No. 13 to establish residential uses and development standards for Area B resulting in a future mixed use development that is consistent and transitional between surrounding densities and land uses.
 - Facilitates mixed use development that produces an environment which is both attractive and sustainable by increasing housing options for diverse household types, promoting alternative modes of transportation, creating a local sense of place, reducing infrastructure and maintenance costs, and allowing for more efficient use of land resources.
 - Consistent with good zoning practice and implements the goals of developing a Town Center Core in concert with the existing Bella Terra lifestyle center.
 - Compatible with adjacent commercial, educational, and transportation uses, and the site is already designated for a higher-density, mixed use development with a mix of residential and commercial land uses.
 - Serves affordable housing needs of the community by providing affordable housing units.
- ◆ Staff's Suggested Modifications:
- Modify the General Plan designation to allow GPA Option 1 (Increased Residential) only for a maximum of 45 du/acre (713 residential units) and 0.2 Commercial FAR (138,085 square feet).
 - Require the incorporation of sustainable building practices from those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification or Build It Green's Building Guidelines and Ratings Systems throughout the site and require LEED certification in at least one future building (minimum building size of 1,000 square feet).
 - Require a policy in Specific Plan No. 13 regarding potential future pedestrian access along the western boundary of the site.
 - Require a minimum of 60 square feet of private residential open space per unit .

Environmental Impact Report No. 07-003 is processed concurrently with these legislative acts and is addressed under a separate staff report. It is necessary for the Planning Commission to review and act on Environmental Impact Report No. 07-003 prior to action on this General Plan amendment and zoning text amendment. Based on the EIR analysis, following approval of these legislative acts, the CEQA Findings of Fact with a Statement of Overriding Considerations will be required.

RECOMMENDATION:

Motion to:

- A. "Approve General Plan Amendment No. 07-001 for Option 1 by approving the draft City Council Resolution No. ____ (Attachment No. 1) and forward to the City Council for adoption."
- B. "Approve Zoning Text Amendment No. 07-002 with findings for approval (Attachment No. 2) by approving the draft City Council Resolution No. ____ (Attachment No. 3) and forward to the City Council for adoption."
- C. "Approve CEQA Findings of Fact with a Statement of Overriding Considerations - EIR No. 07-003 (Attachment No. 8)."

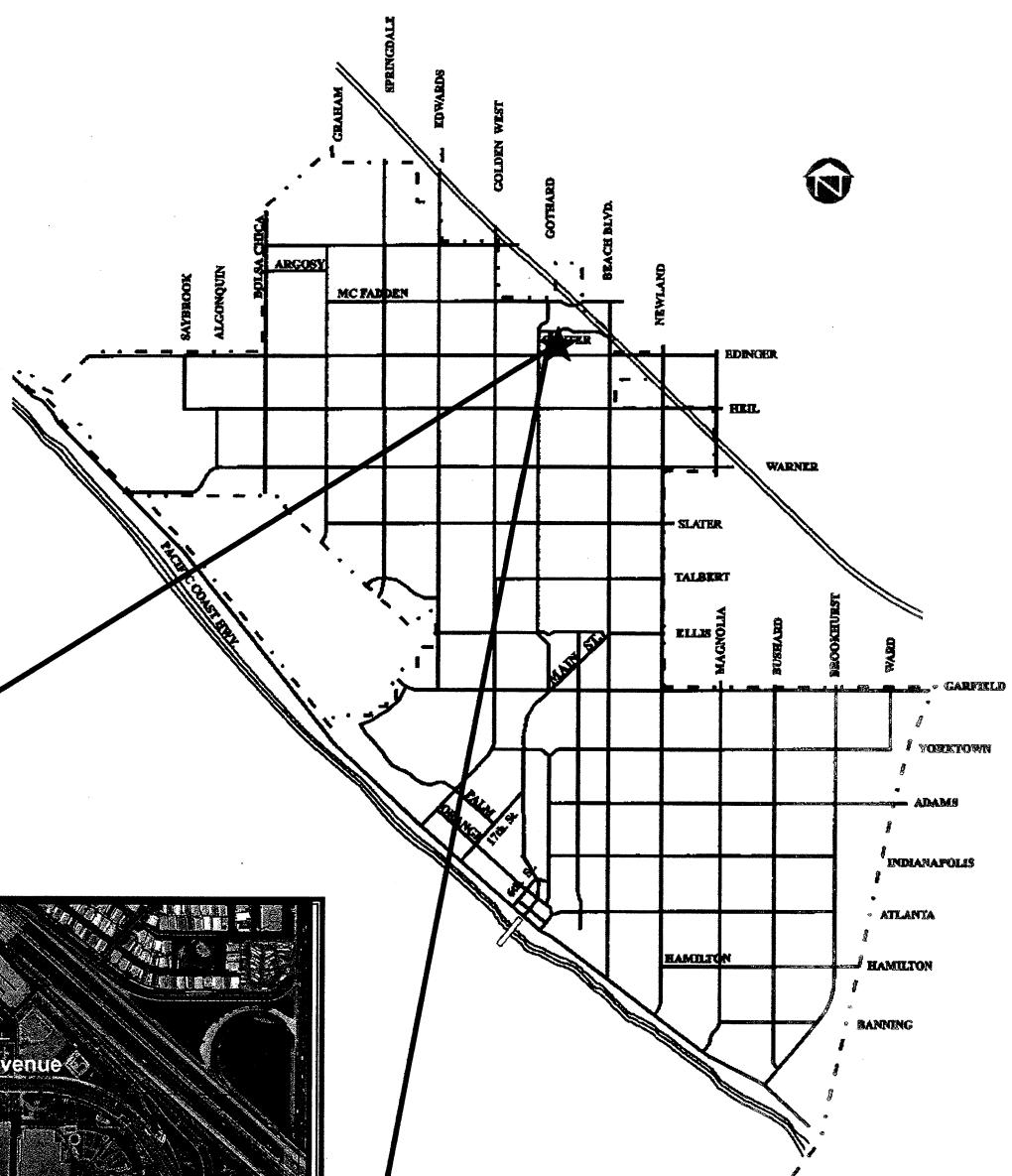
ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

1. "Approve General Plan Amendment No. 07-001 for Option 1 and Option 2 by approving the draft City Council Resolution No. ____ (Attachment No. 13) and forward to the City Council for adoption (Applicant's Request)."
2. "Approve General Plan Amendment No. 07-001 for the environmentally superior Alternative No. 3: Reduced GPA/ZTA (allows for 538 residential units and 138,085 square feet of commercial) by approving the draft City Council Resolution No. ____ (Attachment No. 14) and modifying SP No. 13 accordingly and forward to the City Council for adoption."
3. "Continue General Plan Amendment No. 07-001 and Zoning Text Amendment No. 07-002 and direct staff accordingly."
4. "Deny General Plan Amendment No. 07-001 and Zoning Text Amendment No. 07-002 with findings for denial."



VICINITY MAP
GENERAL PLAN AMENDMENT NO. 07-01 AND
ZONING TEXT AMENDMENT NO. 07-02



PROJECT PROPOSAL:

General Plan Amendment No. 07-001 represents a request by the applicant to:

1. Amend the General Plan Land Use designation on 15.85 acres from the current CR-F2-sp-mu (F9) (Regional Commercial-0.5-FAR-Specific Plan Overlay-Mixed use Overlay-1.5 FAR [MU-0.5{C}/25 du/acre]) to the proposed CR-F2-sp-mu (F14) (Regional Commercial-0.5 FAR-Specific Plan Overlay-Mixed use Overlay-1.75 FAR with limitations) designation pursuant to California Planning, Zoning, and Development Laws, and
2. Amend the General Plan Land Use Element by amending Subarea 5A of the Community District and Subarea Schedule to establish Bella Terra Area A and Bella Terra Area B, and
 - To allow horizontally integrated mixed use in addition to the currently allowed vertical mixed use in Area B.
 - To increase the allowable residential density from the currently allowed 25 dwelling units per acre (du/ac) up to a maximum 45 du/ac (with limitations specified below) in Area B.
 - To increase the allowable commercial floor area ratio (FAR) from the current 0.5 to a maximum 0.6 commercial FAR (with limitations specified below) in Area B.
 - To increase the allowable total building FAR from the current 1.5 to 1.75 maximum FAR in Area B.
 - To increase the number of stories from the currently allowed maximum of four stories to six stories on a majority of the project site, up to a maximum of ten stories on a portion of the site in Area B.
3. Amend the General Plan Land Use Element and establish a new F14 FAR category with the following FAR limitations:
 - **Option 1 (Increased Residential).** Maximum total building area FAR of 1.75, commercial FAR of 0.2, and 45 du/ac, which would permit a maximum of 713 residential units and 138,085 sf of commercial uses; *or*
 - **Option 2 (Increased Commercial).** Maximum total building area floor area ratio of 1.75, commercial FAR of 0.6, and 34 du/ac, which would permit a maximum of 538 residential units and 414,255 sf of commercial uses.

These two options represent the overall development scenarios that could occur under the proposed project; however, only one option would ultimately be developed. Both of these potential development combinations result in a maximum total building area FAR of 1.75 or 1,208,245 sf of total commercial and residential development, which is an increase in overall square footage (by approximately 172,606 sf) compared to what is currently allowed on site. The current General Plan land use designation permits a maximum mixed use development of 0.5 commercial FAR (345,213 square feet) and 25 dwelling units/acre (396 residential units) with an overall total building area FAR of 1.5 (1,035,639 square feet).

Zoning Text Amendment No. 07-002 represents a request by the applicant to amend Specific Plan No. 13 – The Crossings at Huntington Beach to allow residential uses and establish residential design and development standards pursuant to Chapter 215 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The specific plan would be renamed Specific Plan No. 13 – Bella Terra.

According to the applicant's narrative, (Attachment No. 7) the applicant intends to design a mixed use neighborhood to provide a place to live, work, and play as the anchor to northern Huntington Beach. The applicant is proposing a “park once” strategy to accommodate higher density and create a place to attract upscale retail tenants. The mixed use project will be integrated into the existing Bella Terra shopping center, create strong pedestrian and vehicular links, provide a hierarchy of open spaces, vary the building mass and style, and incorporate energy efficient strategies.

ISSUES:

Subject Property and Surrounding Land Use, Zoning, and General Plan Designations:

| LOCATION | GENERAL PLAN | ZONING | LAND USE |
|---|---|---|---|
| Subject Property and East of Subject Property | CR-F2-sp-mu-(F9) (Regional Commercial-0.5-FAR-Specific Plan Overlay-Mixed Use Overlay-1.5 FAR [MU-0.5{C}/25 du/acre]) | Specific Plan No. 13-The Crossings at Huntington Beach | Vacant Commercial (Former Montgomery Ward) and existing Bella Terra Mall |
| North of Subject Property (adjacent to subject property and across Center Avenue) | M-sp (Mixed Use-Specific Plan Overlay) | Specific Plan No. 1-North Huntington Center Specific Plan | SCE Right-of Way, parking lot, and across Center Ave., Old World Village |
| West of the Subject Property | CR-F2-d (Commercial Regional-0.50 Floor Area Ratio-Design Overlay) and CR-F1-d (Commercial Regional-0.35 Floor Area Ratio-Design Overlay) | CG (Commercial General) | Vacant Retail Building (former Levitz Furniture Store) and College Country Center (site of The Ripcurl project) |
| South of Subject Property (across Edinger Avenue) | CR-F2-d (Commercial Regional—0.50 Floor Area Ratio—Design Overlay) | CG (Commercial General) | Retail Buildings |

General Plan Conformance:

The current General Plan Land Use Map designation on the subject property is CR-F2-sp-mu (F9) (Regional Commercial). The F2 designation permits a floor-to-area ratio (FAR) of 0.5 for commercial uses while the F9 designation permits a maximum overall FAR of 1.5, with a commercial FAR of 0.5 and 25 residential units per net acre for vertically integrated mixed use projects consisting of commercial and residential components. Concerning the overlay designations, the specific plan (sp) overlay designation requires that a Specific Plan be formulated for large scale, mixed use multi-phased projects while the

mixed use (mu) overlay designation permits development of residential uses in conjunction with the underlying commercial designation. In addition, the project is located within Subarea 5A (Huntington Center) of the General Plan.

The proposed project includes General Plan and Zoning Text Amendments that would change the land use to increase the density and intensity of mixed uses and change the zoning designation to allow residential uses on the subject site. Upon project implementation, the uses would be consistent with the characteristics for Regional Commercial with a mixed use overlay described in the General Plan and Specific Plan No. 13. Because the General Plan and Zoning designation would be amended, the density and intensities identified in Subarea 5A (Huntington Center), and the subarea figure (LU-6) in the General Plan Land Use Element would be changed to reflect this.

The proposed General Plan Amendment and Zoning Text Amendment are consistent with the goals and objectives of the City's General Plan as follows:

A. Circulation Element

Objective CE 3.2: Encourage new development that promotes and expands the use of transit services.

Policy CE 6.1.6: Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments, schools, and public facilities.

B. Growth Management Element

Policy GM 3.1.8: Promote traffic reduction strategies including alternate travel modes, alternate work hours, and a decrease of vehicle trips throughout the city.

C. Housing Element

Policy H 2.2: Facilitate the development of mixed use projects in appropriate commercial areas, including stand-alone residential development (horizontal mixed use) and housing above ground floor commercial uses (vertical mixed use). Establish mixed use zoning regulations.

Policy H 3.1: Encourage the production of housing that meets all economic segments of the community, including lower, moderate, and upper income households, to maintain a balanced community.

Goal H 5: Provide equal housing opportunity.

D. Land Use Element

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Goal LU 4.2.4: Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.

Goal LU 7: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for the City's neighborhoods, corridors, and centers.

Policy LU 8.1.1: Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the Land Use Plan Map, in accordance with the principles discussed below:

- b. Vary uses and densities along the City's extended commercial corridors, such as Beach Boulevard.
- c. Increase diversification of community and local commercial nodes to serve adjacent residential neighborhoods.
- e. Intermix uses and densities in large-scale development projects.
- f. Site development to capitalize upon potential long-term transit improvements.
- g. Establish linkages among community areas, which may include pedestrian and vehicular paths, landscape, signage, other streetscape elements, open space, transitions, in form scale, and density of development, and other elements.

Goal LU 9: Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

Policy LU 9.1.4: Require that recreational and open space amenities be incorporated in new multi-family developments and that they be accessible to and of sufficient size to be usable by all residents.

Policy LU 10.1.15: Require that regional commercial developments be designed to convey the visual sense of an integrated center by consideration of the following principles:

- a. Use of multiple building volumes and masses and highly articulated facades to reduce the visual sense of large scale "boxes";
- b. Use of roofline or height variations to visually differentiate the building massing and incorporation of recesses and setbacks on any elevation above the second floor above grade;
- c. Siting of a portion of the buildings in proximity to their primary street frontage to convey a visual relationship to the street and sidewalks;
- d. Design of the exterior periphery of the structures to contain shops, restaurants, display windows, and other elements that provide visual interest to parking areas and the street elevation;
- e. Inclusion of a "public square" as a gathering place of public activity in multi-tenant regional centers;
- f. Clear identification of building entrances;
- g. Use of landscape that provides a three-dimensional character;
- h. Encourage the provision of public art;

- i. Inclusion of consistent and well-designed signage integrated with the building's architectural character, including pedestrian-oriented signage; and
- j. Design of parking structures to be visually integrated with the commercial buildings.

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 11.1.2: Limit commercial uses in mixed use development projects to those uses that are compatible with the residences.

Policy LU 11.1.4: Require the incorporation of adequate onsite open space and recreational facilities to serve the needs of the residents in mixed use development projects.

Policy LU 11.1.5: Require that mixed use developments be designed to mitigate potential conflicts between the commercial and residential uses, considering such issues as noise, lighting, security, and truck and automobile access.

Policy LU 11.1.6: Require that the ground floor of structures that horizontally integrate housing with commercial uses locate commercial uses along the street frontage (housing may be located to the rear and/or on upper floors).

Policy LU 11.1.7: Require that mixed use development projects be designed to achieve a consistent and high quality character, including the consideration of the:

- a. Visual and physical integration among the commercial and residential uses (Plates LU-3 and LU-4);
- b. Architectural treatment of building elevations to convey the visual character of multiple building volumes and individual storefronts and residential units.

E. Noise Element

Policy N 1.3.10: Require that mechanical equipment, such as air conditioning units or pool equipment, comply with the City's Noise Ordinance and Zoning and Subdivision Ordinance.

Policy N 1.5.1: Require that commercial and residential mixed use structures minimize the transfer or transmission of noise and vibration from the commercial land use to the residential land use. The design measures may include: (1) the use of materials which mitigate sound transmission; or (2) the configuration of interior spaces to minimize sound amplification and transmission.

F. Urban Design Element

Goal UD 1.1: Enhance the visual image of the City of Huntington Beach

G. *Utilities Element*

Objective U 5.1: Ensure that adequate natural gas, telecommunication, and electrical systems are provided.

The proposed amendments to the General Plan land use designation and Specific Plan 13 are a mechanism to achieve the goals of smart growth and sustainable development. The amendments would allow for a mixed use, high density development thereby increasing housing options for diverse household types, promoting alternative modes of transportation, creating a local sense of place, reducing infrastructure and maintenance costs, and allowing for more efficient use of land resources. The area has a variety of complementary uses that are critical to any vibrant community such as commercial and entertainment uses, employment centers, a transit hub, and a college. Because of its location and unique features, the site would be appropriate in accommodating an infill development that is higher in density and compatible with the surrounding area. In doing so, multiple sustainable development principles are achieved, resulting in the social and economic well-being of the area. The benefits of mixed use developments include creating better places to live, work, and play, reducing dependence on the automobile, and lessening pollution and environmental degradation.

The proposed project would be a mixed use high-density development that offers a wide range of housing opportunities and options, accommodating different age groups, income levels, and household types. The project is required to meet the City and California State Redevelopment Law for affordable housing obligations providing the equivalent of 15 percent of the units as affordable.

In addition, the project provides a concentration of living, shopping, entertainment, and employment opportunities within walking distance of the existing Bella Terra lifestyle development. Because the project is located in close proximity to different activities and uses, it provides opportunities and convenience for many households to use alternate travel modes such as walking and biking to complete their daily routines and errands.

The proposed ZTA includes architectural and design guidelines to help ensure maximum compatibility of design with the existing Bella Terra, promote pedestrian-friendly entries and uses, and promote the use of high quality exterior materials. Structures on the project site would vary in heights in order to provide variety to the roofline and to reduce overall building massing. Development standards and design guidelines in Specific Plan No. 13 ensure that form, height, and treatment of future development convey an overall high level of quality. Maximum setbacks are established so that buildings are sited close to streets, the project will contain several gathering places for public activity, and public art is required. Therefore, upon approval of the proposed project, future development at the project site would not conflict with the above General Plan goals and policies.

Zoning Compliance:

One of the entitlements associated with this project is to amend the current Specific Plan 13 and allow mixed use residential uses at the subject property. The proposed zoning text amendment also establishes design guidelines and architectural standards for residential development. The future development will be required to comply with the adopted changes to Specific Plan 13.

Urban Design Guidelines Conformance:

Although an actual development proposal has not been submitted at this time, the applicant has provided conceptual site plans and renderings demonstrating how the General Plan amendment and zoning text amendment for mixed use may be implemented in the future. The proposed conceptual project has been analyzed for conformance with the Urban Design Guidelines, Chapter 3 (Multi-Family Residential), Chapter 4 (General Commercial), and Chapter 6 (Special Consideration Commercial Guidelines Mixed use Projects). The applicant will complete the Urban Design Checklists for the proposed project upon submittal of a development proposal in the future.

The Urban Design Guidelines recommend specific design criteria for mixed use projects. In particular, several recommendations are discussed for site planning and building design. The Urban Design Guidelines for mixed use project site planning recommend incorporation of the following:

- separate site access drive and parking facilities for residential and commercial uses
- security gates for access to residential uses and residential parking areas
- private open space areas for use by residents only

The Urban Design Guidelines for mixed use project building design recommend incorporation of the following:

- consistent architectural style and use of materials throughout the entire mixed use project
- storefront design consistent with commercial development guidelines and residential design consistent with multi-family development guidelines
- separate entrances for residential and commercial uses when both uses are in the same structure

Future mixed use development on the subject site will be required to conform to these design recommendations through the provision of separate access drives and parking facilities for residential and commercial uses. In addition, the project will provide private open space accessible only from the individual units as well as overall common open space for the project. According to the new architectural guidelines, the applicant must utilize a variety of building materials, design elements, and colors to differentiate and complement the residential and commercial components of the project.

Environmental Status:

The project's potential environmental impacts are analyzed and discussed in a separate staff report. Prior to any action on General Plan Amendment No. 07-001 and Zoning Text Amendment No. 07-002 it is necessary for the Planning Commission to review and act on Environmental Impact Report No. 07-003. Staff, in its initial study of the project, is recommending that Environmental Impact Report No. 07-003 be certified as adequate and complete with mitigation measures, findings of fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

Although the project results in adverse impacts to the environment that cannot be mitigated or avoided, the Planning Commission may still approve the project if a Statement of Overriding Considerations is adopted. CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the City may consider the

adverse environmental effects acceptable. In this particular case, staff believes the economic and social benefits of the proposed project outweigh the adverse impact to Air Quality, Noise, Population and Housing, and Transportation/Traffic. The adverse impacts are unavoidable because it has been determined that no feasible mitigation is available or the mitigation that could be implemented, such as I-405 improvement, is outside the purview of the City and the Applicant.

Approval of the project would allow for a future development of a new, optimally located mixed use development. The mixed use project would be incorporated into the existing Bella Terra lifestyle center with reciprocal access and parking and would provide a residential base to energize the commercial, restaurant, and retail center. In addition, the project would have the following benefits:

1. The project would maximize land use opportunities by combining both residential and commercial land uses in a well-integrated urban environment.
2. The project would promote residential and commercial buildings that convey a high quality visual image and character, as well as provide for the development of mixed use projects that integrate residential and commercial uses and ensure compatibility of these uses.
3. The project emphasizes compatibility and sensitivity to the existing uses surrounding the site and would include a variety of sustainable features from those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification or Build It Green's Building Guidelines and Ratings Systems throughout the site and achieve LEED certification in at least one future building (minimum building size of 1,000 square feet).
4. The project will maintain and enhance the community image of Huntington Beach through the design and construction of high quality development consistent with the Urban Design Element of the City's General Plan and the Design Guidelines of Specific Plan No. 13.
5. The project would foster walkability and reduced vehicle trips by locating close to an established transit center, college and shopping and other services.
6. The project may provide both apartments and condominiums, filling an unmet niche in terms of housing production in the City as well as improving the supply of rental housing in the City.
7. The project will provide the equivalent of 15 percent of the units as affordable housing, consistent with City requirements and California Redevelopment Law.
8. The project will improve the visual quality by resulting in the demolition and site clean-up of the vacant retail store and automotive repair use on-site.
9. The project will enhance and promote the transformation of Bella Terra from a stand-alone shopping center to the Town Center Core of a vital city district.

Following approval of the General Plan amendment and zoning text amendment the Planning Commission must approve the CEQA Findings of Fact with a Statement of Overriding Considerations (Attachment No. 8).

Coastal Status: Not applicable.

Redevelopment Status:

The project is located in a Redevelopment Project area. The Economic Development Department has reviewed the proposed entitlements and recommends approval of the project, recommends 100 percent of the affordable units (both low and very low) be provided on site, and supports staff recommendations for Option 1 only.

Design Review Board:

The proposed zoning text amendment and changes to Specific Plan No. 13 were submitted to the Design Review Board (DRB) on September 18, 2008 for a review of the architectural guidelines including design, colors, materials, and conceptual plans for mixed use and residential development. The Board discussed the existing Bella Terra lifestyle center and commented on the quality of materials and building design already established in the Specific Plan. The Board then discussed open space regulations, pedestrian walkability, minimum unit size, setbacks, and building height. Ultimately, the DRB recommended approval of the legislative draft version of Specific Plan 13 without changes to the Planning Commission.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements:

The Departments of Public Works, Fire, Building and Safety, Community Services, and Police have reviewed the project and recommended approval. Some of the applicable standard code requirements have been identified in EIR No. 07-003. As an actual development proposal has not been submitted at this time, there are no unique conditions of approval or code requirements to identify. The Economic Development Department is recommending that 100 percent of the affordable housing requirement be located on-site.

Public Notification:

Legal notice was published in the Huntington Beach Independent on October 2, 2008, and notices were sent to property owners of record and occupants within a 1,000 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, interested parties, and individuals/organizations that commented on the environmental document. As of October 6, 2008, one letter was received from the applicant supporting the project but requesting some modifications to staff's recommendations (Attachment No. 11). A second letter was received from the applicant citing sustainable building development or "green" building features of the future project (Attachment No. 12).

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

Draft EIR: July 11, 2008

General Plan Amendment: Not Applicable

Zoning Text Amendment: Not Applicable

MANDATORY PROCESSING DATE(S):

Within 1 year of complete application or July 11, 2009

Not Applicable

Not Applicable

ANALYSIS:

General Plan Amendment:

The primary factors to consider when analyzing the proposed changes to the General Plan are mix of uses and amount of development and environmental impacts. The following is a detailed discussion of these issues.

Mix of Uses and Amount of Development

The proposed amendment for the General Plan Land Use designation to increase mixed use density and intensity for the subject site is a mechanism to better achieve the goals of smart growth and sustainable development. Option 1 represents a scenario for increased residential to be built while Option 2 represents a scenario for increased commercial uses. The following table presents the maximum development potential under each General Plan scenario as well as compares the current General Plan allowances to the two proposed options.

| Current General Plan and Conceptual Plan Development Scenarios | | | | |
|--|---------------------------|---------------------------------|---------------------------|------------------------|
| <i>Development Options</i> | <i>Residential</i> | <i>Retail Commercial</i> | <i>Hotel Rooms</i> | <i>Total SF</i> |
| Current General Plan | 396 du (690,426 sf) | 345,213 sf | 0 | 1,035,639 sf |
| Option 1 – Additional Residential | 713 du (980,263 sf) | 138,085 sf | 0 | 1,117,173 sf |
| Option 2 – Hotel | 538 du (747,126 sf) | 136,910 sf | 162 rooms (233,137 sf) | 1,117,173 sf |

Options 1 and 2 represent the Applicant's effort at identifying the overall development scenarios that could occur on-site if the two GPA/ZTA Options are ultimately approved. However, only one scenario would ultimately be developed. The amounts of sf do not match up with the proposed project because it is not likely that the project would yield the exact FAR.

Source: Draft EIR No. 07-003 Table 3-2

The subject site is surrounded by and adjacent to a variety of uses that are critical to any vibrant community such as commercial and entertainment uses (Bella Terra Mall and those along Edinger Avenue), employment centers (Towers at Bella Terra), a transit hub (Golden West Transportation Center), and a college (Golden West). The site allows an opportunity for an infill development that is higher in

density than originally envisioned in the 1996 General Plan update when the mixed use overlay was established on the site. In addition, the area in the vicinity of the project site is targeted for revitalization efforts. The proposed Beach Edinger Corridors Specific Plan includes a vision of smart growth and sustainable development, incorporating more intensive mixed use development for the Edinger Avenue segment specifically. The Ripcurl, located just west of the project site, has just been conditionally approved by the Planning Commission and is in process of City Council consideration. It will consist of a mixed use development; mixed uses are also being studied at the former Levitz site, just west of the subject site. Furthermore, Bella Terra is located at the intersection of two arterials and in close proximity to the I-405 freeway. Because of its unique location and in light of the current planning efforts, the project site is an appropriate location to accommodate the proposed growth while minimizing off-site impacts to other areas of the City. The proposed higher density and taller structures at the project site would be compatible with the surrounding area, particularly the high-rise Towers at Bella Terra to the north. Close proximity to a variety of uses offers convenient opportunities for people to live, work, and play without depending on the automobile and consider alternative modes of transportation such as walking or biking.

The benefits of mixed use development include producing an environment that is both attractive and sustainable by increasing housing options for diverse household types, promoting alternative modes of transportation, creating a local sense of place, reducing infrastructure and maintenance costs, and allowing for more efficient use of land resources. Reiterating that the City designated this site for mixed use in 1996, the City already recognizes that this site is well situated for this type of development. While the existing General Plan would allow for a mixed use project on the site, the proposed changes are reflective of current market demands based on input from the applicant.

When the applicant originally submitted this application, the proposal was for approximately 500 residential units and approximately 156,955 square feet of commercial uses. During the early stages of the application process the City engaged an urban design (Freedman, Tung, and Bottomley [FTB]) and economic consultant team to hold community workshops and develop a visioning process for a complete revitalization of both the Beach Boulevard and Edinger Avenue Corridors. Both consultants have indicated the need to maximize residential uses on the former Montgomery Ward site in order to improve demand in the area for the existing businesses. Moreover, the economic consultant has indicated limited demand for net new commercial square footage on the proposed site. As a result of that visioning process and through the review process, an option to maximize the residential density by increasing it to 45 dwelling units per acre was developed. FTB has communicated their overall vision and goal to enhance the economic performance, functionality, and beauty of Beach Boulevard and Edinger Avenue during workshops and study sessions with the Planning Commission and City Council. One of the primary goals of the revitalization efforts is the desire to facilitate and create a vibrant Town Center Core by capitalizing on the great success of the Bella Terra project. FTB's discussion states that "Bella Terra will continue to grow in terms of retail offerings, mixture of uses, and intensity of development, ultimately evolving from stand-alone shopping mall to become the *core* of a vital city district." GPA Option 1 (Increased Residential) is the result of this desire to enhance and promote this transformation.

Simultaneously, the applicant was exploring ideas for the highest and best use of the property and requested an analysis of a 165 room hotel in lieu of the additional 200 residential units but along with the base conceptual plan of 500 units. As hotel rooms would be considered a commercial land use, GPA Option 2 (Increased Commercial) is the result of that effort. Therefore, under the proposed GPA, the

applicant anticipates developing either the additional 200 residential units or the hotel plan by increasing the number of stories permitted on the northern one-third of the site to 10 stories.

From a land use perspective, staff believes that GPA Option 1 better achieves the City's goals to develop the area as a mixed use core, as discussed above. In addition, a hotel on the south side of Edinger at the corner of Parkside, is being analyzed as part of the Beach Edinger Corridors Specific Plan environmental process. Given that this would be located across from The Village at Bella Terra site, staff does not believe an additional 165 rooms at Bella Terra are needed. The City's economic consultant indicated market support for up to two hotels. Staff thinks a second hotel would be better located on Beach Boulevard. Staff recommends approval of the proposed GPA Option 1 because it represents the appropriate mix of uses and amount of development for the site.

Environmental Impacts

The Environmental Impact Report for The Village at Bella Terra project analyzes the potential environmental impacts associated with implementation of both General Plan options as well as identifies reasonable alternatives and appropriate mitigation measures. Three alternatives were evaluated for their ability to attain project objectives and avoid significant environmental impacts. While Alternative 3: Reduced GPA/ZTA reduced some of the project impacts and was identified as the environmentally superior alternative, none of the three identified alternatives simultaneously satisfied the project objectives and reduced the significant unavoidable impacts to a less than significant level.

Staff then evaluated the differences between GPA Option 1 (Increased Residential) and GPA Option 2 (Increased Commercial) and determined that between the two proposed scenarios, GPA Option 1 is the preferred option from an environmental perspective. The development of either GPA Option 1 or GPA Option 2 would have significant impacts on the environment in the areas of air quality during construction, air quality during operations, noise during construction, exceedance of population projections by SCAG, and contribution to deficient traffic conditions for the I-405 freeway. Both the construction related air quality and noise impacts are temporary in nature, evident only during the construction phases of the project.

Air quality impacts during daily operations on the other hand are significant unavoidable impacts that remain even after completion of construction. Both GPA Option 1 and GPA Option 2 result in significant unavoidable air quality impacts related to mobile sources such as passenger vehicles and delivery trucks coming to and from the site.

The estimated emissions from mobile sources for both Option 1 and Option 2 are described in the tables below.

| Project Daily Operational Emissions—Mobile Sources—Option 1 | | | | | | |
|---|-----------------------------|-----------------|---------------|-----------------|------------------|-------------------|
| Emissions Source | Emissions in Pounds per Day | | | | | |
| | VOC | NO _x | CO | SO _x | PM ₁₀ | PM _{2.5} |
| Apartments | 27.73 | 31.18 | 318.86 | 0.39 | 64.20 | 12.40 |
| Commercial | 32.93 | 44.74 | 435.50 | 0.55 | 91.67 | 17.68 |
| Maximum Daily Emissions | 60.66 | 75.92 | 754.36 | 0.94 | 155.87 | 30.08 |
| Thresholds (lb/day) | 55.00 | 55.00 | 550.00 | 150.00 | 150.00 | 55.00 |
| Significant Impact | Yes | Yes | Yes | No | Yes | No |

SOURCE: Draft EIR No. 07-003, Table 4.2-6, PBS&J 2008 (based on summer outputs; calculation sheets are provided in Appendix B)

| Project Daily Operational Emissions—Mobile Sources—Option 2 | | | | | | |
|---|-----------------------------|-----------------|----------------|-----------------|------------------|-------------------|
| Emissions Source | Emissions in Pounds per Day | | | | | |
| | VOC | NO _x | CO | SO _x | PM ₁₀ | PM _{2.5} |
| Apartments | 19.91 | 22.16 | 226.64 | 0.28 | 45.63 | 8.81 |
| Commercial | 98.72 | 134.13 | 1305.74 | 1.65 | 274.85 | 53.00 |
| Maximum Daily Emissions | 118.63 | 156.29 | 1532.38 | 1.93 | 320.48 | 61.81 |
| Thresholds (lb/day) | 55.00 | 55.00 | 550.00 | 150.00 | 150.00 | 55.00 |
| Significant Impact | Yes | Yes | Yes | No | Yes | Yes |

SOURCE: Draft EIR No. 07-003, Table 4.2-8, PBS&J 2008 (based on summer outputs; calculation sheets are provided in Appendix B)

The mix of residential, retail, and hotel described in GPA Option 2 results in higher trip generation during both the AM and PM peak hours and in daily operations when compared to GPA Option 1. While air quality impacts remain significant and unavoidable in both scenarios, estimated emissions are less in the increased residential option than anticipated with the increased commercial option. Additionally, emissions for PM_{2.5} fall below the significance threshold for Option 1 but remain significant in Option 2. Therefore, GPA Option 1 is less impactful than Option 2 and would be preferable.

It should be noted that the 1996 General Plan update included a SOC for operational air quality impacts and was adopted by the City Council. Option 1 results in less vehicle trips and thus less emissions from mobile sources than would occur under the current General Plan designation. Therefore, although the proposed project still requires a SOC due to exceedance of air quality thresholds, the air quality impacts would likely be less than the General Plan anticipated when the original mixed use overlay was adopted.

As a result of the EIR process it became evident that development of either GPA Option 1 or GPA Option 2 would result in significant unavoidable impacts. As required by CEQA, the City's consultant, PBS&J, analyzed a Reduced GPA/ZTA Alternative, which closely resembled the applicant's initial entitlement application. The developer and staff thought this reduced alternative would be the most likely scenario to be built. However, two things occurred over the course of the CEQA process to change the outcome of this scenario. First, the applicant continued to develop and refine conceptual plans in response to the

changing economic and market conditions. Second, the EIR process revealed that while the significant and unavoidable impacts were lessened in the Reduced GPA/ZTA Alternative, they were not entirely eliminated.

The City has historically supported projects with significant and unavoidable impacts that are temporary in nature during construction or that do not have feasible mitigation measures available to eliminate the impacts. In this case, the short-term air quality and noise impacts as well as I-405 deficiencies fall into this category. As for the significant impact regarding the cumulative exceedance of population projections by SCAG in 2015, the EIR demonstrated that most projects in the last 15 years have not yielded the full density of the General Plan land use designations. Therefore, it is not likely that actual population is growing at the same rate as projected by SCAG. More importantly, the EIR revealed that even if developed at full allowable density, future development can be provided with all utilities, infrastructure, and public services necessary to serve it and due to the mix and types of uses proposed, results in lower trip generation rates than allowed by the existing General Plan.

With regard to long term operational air quality impacts associated with Reduced GPA/ZTA Alternative, the EIR analysis showed that two emission categories would remain above thresholds as shown in the table below.

| Project Daily Operational Emissions—Mobile Sources-Alternative 3 Reduced GPA/ZTA | | | | | | |
|---|-----------------------------|--------------|---------------|-------------|------------------|-------------------|
| Emissions Source | Emissions in Pounds per Day | | | | | |
| | VOC | NOx | CO | SOx | PM ₁₀ | PM _{2.5} |
| Apartments | 20.89 | 23.48 | 240.14 | 0.29 | 48.35 | 9.34 |
| Commercial | 32.93 | 44.74 | 435.50 | 0.55 | 91.67 | 17.68 |
| Maximum Daily Emissions | 53.82 | 68.22 | 675.64 | 0.84 | 140.02 | 27.02 |
| Thresholds (lb/day) | 55.00 | 55.00 | 550.00 | 150.00 | 150.00 | 55.00 |
| Significant Impact | No | Yes | Yes | No | No | No |

SOURCE: Table 6-3 EIR No. 07-003; PBS&J, 2008. Based on Summer Outputs. Computer sheets are provided in Appendix B.

At the request of staff, PBS&J determined that Alternative 3: Reduced GPA/ZTA (already reduced to 538 units and 138,085 sf of commercial) would have to be reduced by an additional 30 percent (377 residential/ 96,659 sf commercial) to bring the summer operational CO and NOx emissions below the SCAQMD thresholds but winter emissions would still be above the thresholds. At a 35 percent reduction (350 residential/ 89,755 sf commercial) the winter emissions would remain above the thresholds. At a 40 percent reduction (322 residential/ 82,850 sf commercial) the emissions were below the SCAQMD thresholds for both winter and summer. Such a reduction would not yield the highest and best use on the land, would not maximize sustainability by creating a critical mass of residential in close proximity to retail, and would not contribute substantially to creating the Town Center Core at Bella Terra.

As a trade-off for accepting the significant adverse air quality impact associated with Option 1 staff requested that the applicant propose several sustainable or “green” building practices to be incorporated throughout the project. The applicant submitted a letter (Attachment No. 12) listing numerous building

practices the project will likely employ to further improve environmental quality associated with future development. Some of the items listed include reduction of the urban heat island effect by covering parking with residential and using light colored roof materials, low flow faucets and showers, dual flush or pressure assist toilets, dual glazed low-e windows, ozone friendly advanced refrigerants in HVAC units, construction recycling diverting 50% of waste (goal), use of construction materials with recycled content for 10% of overall material (goal), and low VOC materials. While some of the items listed are already standard code requirements, others maximize energy efficiency, increase recycling and reusable resources, and promote healthier environments above and beyond code requirements. Staff appreciates the applicant's efforts in this regard but recommends a requirement for incorporation of sustainable building practices from those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification or Build It Green's Building Guidelines and Ratings Systems throughout the site. Additionally, staff recommends the applicant achieve LEED certification in at least one future building (minimum building size of 1,000 square feet). This requirement has been reflected in Specific Plan No. 13.

Staff recommends approval of Option 1 (Increased Residential) because the 713 residential units and 138,085 square feet of commercial represent the appropriate mix and amount of development on a site with an existing mixed use General Plan overlay. The development of GPA Option 1, while still significant in terms of environmental impacts, results in less Air Quality impacts than Option 2. Additionally, the project will incorporate sustainable building practices throughout the project's building design and site improvements and at least one structure will obtain LEED certification.

Zoning Text Amendment

The primary factors to consider when analyzing the proposed changes to Specific Plan No. 13 (Attachment No. 6) are compatibility with surrounding land uses, the Design Guidelines, and Development Regulations. The following is a detailed discussion of these issues.

Compatibility with Surrounding Land Uses

In the vicinity of the project site, there is a mix of land uses such as commercial and entertainment uses (Bella Terra Mall and those along Edinger Avenue), employment centers (Towers at Bella Terra and Golden West College), an educational use (Golden West College), a transit hub (Golden West Transportation Center), and mixed uses (Old World Village). Because of the project site's location, it allows an opportunity for an infill development that is more compact in design and higher in density while protecting the residential areas of the City. The project site is an appropriate location to combine housing and economic activity to provide both living and employment options for a wide range of people. The mix of land uses contemplated by the proposed project as well as those already existing in the vicinity would create a dynamic environment where people can live, work, and play within walking distance. The population increase would enhance the economic viability of the area by supplying a customer base for the area businesses. Not only would the proposed project be compatible with the surrounding land uses, it would contribute to the synergy in creating better places to live within an urban context.

As depicted in the applicant's conceptual plans for the former Montgomery Ward site, the primary retail space would be sited between Edinger Avenue and the middle portion of the site. Some of the retail is

anticipated in stand alone buildings along the Edinger Avenue frontage but primarily the retail uses wrap around parking structures with a two story retail space volume occupying the ground floor. Residential units are then anticipated above the retail spaces wrapping the parking structures as well. The majority of the retail/residential blocks are up to six stories in height, however, up to 10 stories would be permitted on the northern one-third of the site to accommodate either the additional residential units or the hotel. In concert with the vision of the Beach Edinger Corridors Specific Plan a maximum of four stories would be permitted along Edinger Avenue. This height limitation is described in the amendments to Specific Plan No. 13.

The City's design consultant for the Beach Edinger Corridors Specific Plan reviewed the conceptual site plans developed by the applicant and commented on some features to further the vision of the Town Center Core. In particular, FTB favors the conceptual design and recommends maximizing walkability between the existing Bella Terra and the new proposed retail by concentrating retail buildings along Edinger Avenue and as far east on the site as possible. The applicant states that lease restrictions by existing tenants prevent new retail from locating directly south of existing retail, along Edinger Avenue. Additionally, FTB recommends angled parking along Edinger Avenue between the street and the retail to provide convenient "teaser" parking for customers. The applicant is still exploring this design option and may present it when development plans are proposed.

The zoning text amendment ensures compatibility with surrounding land uses by transitioning height from the lower buildings along Edinger Avenue to the highest structures on the northern portion of the site. This height is compatible with and not out of character with the Towers at Bella Terra across Center Avenue and the recently approved The Ripcurl to the west. Other development standards, discussed in more detail below, also contribute to the project's compatibility by ensuring adequate common and private open space, setbacks, and landscaping for a combination residential and commercial development in an urban setting. Staff recommends approval of the proposed amendments to the Specific Plan.

Design Guidelines

Specific Plan No. 13 was originally adopted by the City Council in 2000. The lifestyle center currently occupying the easterly 50 acres of the site was developed in 2005 and named Bella Terra. Bella Terra was designed as the idea of an Italian Village built on a hill, with towers, open space plazas, paseos, water features, and public art in accordance with the architectural guidelines of Specific Plan No. 13. Zoning Text Amendment No. 007-02 is a request to add residential uses and establish architectural and design guidelines for a mixed use project. Because residential uses will only apply to the remaining undeveloped 15 acre (after a future lot line adjustment) portion of land within the west side of the specific plan boundary, the existing Bella Terra has now been designated as Area A and the subject site is now Area B.

A legislative draft of the changes to Specific Plan No. 13 was introduced to the Planning Commission at a September 9, 2008 Study Session. Development standards and architectural guidelines for Area A remain the same for the existing regional commercial lifestyle center. Architectural guidelines for Area B expand upon the style and flavor of an Italian Village built over time in Area A and add a Southern European village architectural style in Area B. The intent of the residential guidelines is to be compatible with and complementary to the existing patterns, colors, and materials found in Bella Terra Area A without repeating them verbatim.

The Design Guidelines were specifically crafted to meet the goals, objectives, and policies of the General Plan. In particular, General Plan Policy No. 10.1.15 repeated on page 8 of this staff report, lists principles to convey the visual sense of an integrated center with a focus on pedestrians, public activity, highly articulated building facades, landscaping, and a connection to the street. The Design Guidelines in Specific Plan No. 13 carry out these principles by specifically defining the project character through guidelines for site planning, common areas, architecture, landscaping, street furniture, and signage. Staff believes the success of these design principles is easily recognizable in the existing Bella Terra lifestyle center and recommends the continuation and refinement of these guidelines for mixed use development in Area B. The proposed amendments and new mixed use Design Guidelines established in Area B will ensure the continued success of the lifestyle center in terms of architectural quality, pedestrian connections, and a well integrated lifestyle center. Staff recommends approval of the proposed amendments to the Specific Plan.

Development Standards

Along with the architectural guidelines for residential uses, the changes to Specific Plan No. 13 include development standards for minimum private and common open space, height, setbacks, minimum residential unit size, and storage space. The standards also include policies for circulation, access, lighting, parking, landscaping, pedestrian connections, plazas, water, wastewater, storm drainage, water quality, and utilities. Similar to the Design Guidelines, these development standards were also specifically crafted to meet the goals and policies of the General Plan. The standards themselves come from multiple sources but primarily from the existing multi-family residential regulations and the suggestions of the Beach Edinger Corridors Specific Plan. In combination with the Design Guidelines, the Development Standards ensure a high quality living and working environment as described below. See Attachment No. 15 for a development standards matrix.

With respect to minimum open space requirements, staff recommends a minimum of 150 square feet of open space per residential unit, of which a minimum of 60 square feet must be private and accessible only by the unit it serves. This minimum 60 square feet of private open space must also have a minimum six foot dimension in both directions. The applicant has submitted a letter (Attachment No. 11) requesting that the *minimum* 60 square feet of private open space per unit be changed to an *average* of 60 square feet of private open space per unit. Staff believes that each residential unit should be provided with a useable private outdoor area with enough space to include a small amenity such as, a barbecue, potted plants, or a bistro table and chair. Staff is concerned that by only requiring an average of 60 square feet per unit that some units could end up with a 36 square foot (six feet by six feet) balcony or deck, which is more decorative than useable.

Along with the typical development standards for the overall building design, Specific Plan No. 13 also includes general goals and policies designed to implement the General Plan vision for Subarea 5A, particularly a highly articulated architecture, pedestrian oriented, shopping experience with open space plazas, and synergy between the residential and commercial uses. To that end, the original pedestrian walkability plan has been updated and policies regarding pedestrian connections have been refined and added. In particular, Section 3.1.5 states:

3.1.5 As a supplement to an on-site pedestrian walkway system, potential future pedestrian access such as an at-grade crossing or an above-ground crossing shall be pursued, if feasible, across the existing rail line on the western boundary of the site.

The applicant requests that the above language recommended by staff be changed to:

3.1.5 As a supplement to an on-site pedestrian walkway system, potential future pedestrian access such as an at-grade crossing or an above-ground crossing shall be pursued, if feasible, across the existing rail line on the western boundary of the site; provided that the Bella Terra Phase II owner shall not be required to dedicate land or pay for any improvements needed to accommodate a future pedestrian access between the two properties and the Bella Terra Phase II owner shall have the right to disapprove such access if it determines the access will adversely impact the Bella Terra Phase II property.

Staff acknowledges that the appropriateness of a future pedestrian connection is not known at the time and cannot be determined until the applicant submits an application for development. However, one of the basic tenets of reciprocal access is that it shall remain open, available, and maintained by the two subject property owners. Should a reciprocal access agreement be appropriate at the time of development, the applicant will be responsible for the cost of the connection, unless some other arrangement is made through the Redevelopment Agency. The applicant's proposed language defeats the purpose of pursuing a pedestrian connection from the Levitz property across the rail line by subjecting the property owner to no cost and allowing them to close it off when they desire. Staff recommends the original language as proposed thus allowing the details of a connection to be analyzed and if appropriate, conditioned, at the time an actual development is proposed. The policy itself simply encourages and promotes future pedestrian connections between properties in a way the Huntington Beach Zoning and Subdivision Ordinance does not. The HBZSO requires reciprocal access between adjoining commercial properties but would typically not require access across a rail line. Staff believes that the walkability and pedestrian connections envisioned in the Beach Edinger Corridor Specific Plan are vitally important to implementing a town center core and successful mix of residential and retail uses.

Overall, staff recommends approval of the text changes to Specific Plan No. 13 to facilitate development of a high quality mixed use project with enough open space, air, light, ventilation, pedestrian connections, interesting architecture, well designed circulation, and landscaping for an enjoyable environment in which to live, work, and play. Specifically, implementation of a future mixed use project in compliance with the amended Specific Plan No. 13 will promote transformation of the Bella Terra lifestyle center into a vital Town Center Core.

Summary

Staff recommends approval of General Plan Amendment No. 07-001 for Option 1 and Zoning Text Amendment No. 07-002 as modified by staff because it is the appropriate mix and amount of development for this mixed use site, the increased residential units provide a customer base for the existing retail in the area, and it has fewer air quality impacts than GPA Option 2. Additionally, the project will incorporate sustainable building practices, achieve LEED certification in at least one building and will increase housing options for diverse household types. The zoning text amendments implement the goal of

developing a Town Center Core and will ensure a high quality environment compatible with surrounding uses in an urban setting. The proposed amendments and new mixed use Design Guidelines established in Area B will ensure the continued success of the lifestyle center in terms of architectural quality, pedestrian connections, and a well integrated lifestyle center. For these reasons, staff recommends the Planning Commission approve General Plan Amendment No. 07-001 for GPA Option 1 only and Zoning Text Amendment No. 07-002 as modified by staff.

ATTACHMENTS:

1. Draft City Council Resolution No. ____ for General Plan Amendment No. 07-001 (Staff's Recommended Motion for GPA Option 1)
2. Suggested Findings for Zoning Text Amendment No. 07-002
3. Draft City Council Resolution No. ____ for Zoning Text Amendment No. 07-002
4. General Plan Land Use Element – Existing Land Use Designation Exhibit and Excerpt of Existing Table LU-4 Community District and Subarea Schedule
5. Zoning Map – Existing Zoning Designation Exhibit
6. Legislative Draft of Specific Plan No. 13 – Bella Terra
7. Project Narrative dated May 30, 2007
8. CEQA Findings of Fact with Statement of Overriding Considerations – EIR No. 07-003
9. Mitigation Monitoring and Reporting Program – EIR No. 07-003.
10. Environmental Impact Report No. 07-003 – **Not Attached—(Available at City Hall—3rd Floor Planning Department)**
11. Letter from DJM Capital Partners dated October 3, 2008
12. Letter from DJM Capital Partners dated October 6, 2008
13. Draft City Council Resolution No. ____ for General Plan Amendment No. 07-001 (Alternative Action No. 1 – Applicant's Request for GPA Option 1 and GPA Option 2) and General Plan Land Use Element Excerpt for GPA Option 1 and GPA Option 2
14. Draft City Council Resolution No. ____ for General Plan Amendment No. 07-00 (Alternative Action No. 2 – EIR 07-003 Alternative No. 3: Reduced GPA/ZTA)
15. Development Standards Matrix

SH:HF:MBB:JJ:lw

STAFF RECOMMENDATION – GPA OPTION 1 ONLY

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HUNTINGTON BEACH, CALIFORNIA, APPROVING
GENERAL PLAN AMENDMENT NO. 07-001**

WHEREAS, General Plan Amendment No. 07-001 proposes to amend the Land Use Element of the City's General Plan to redesignate an approximate 15.85 acre piece of real property located on the north side of Edinger Avenue just west of the existing Bella Terra development, as more particularly described as Exhibits "A" and "B" attached hereto, from CR-F2-sp-mu-(F9) (Regional Commercial-0.5 FAR-Specific Plan Overlay-Mixed Use Overlay-1.5 FAR [MU-0.5{C}/25 du/acre]) to CR-F2-sp-mu-(F14) (Regional Commercial-0.5 FAR-Specific Plan Overlay-Mixed Use Overlay-1.75 FAR [MU-0.2{C}/45 du/acre]). The amendment also includes modifying Subarea 5A of the Community District and Subarea Schedule of the General Plan to differentiate the subject site from the existing Bella Terra mall development, allow horizontally integrated mixed use, and increase the number of stories from four stories to ten stories.

Pursuant to California Government Code, the Planning Commission of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 07-001 and recommended approval of said entitlement to the City Council; and

Pursuant to California Government Code, the City Council of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 07-001; and

The City Council finds that said General Plan Amendment No. 07-001 is necessary for the changing needs and orderly development of the community, is necessary to accomplish refinement of the General Plan, and is consistent with other elements of the General Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach as follows:

SECTION 1: That the real property that is the subject of this Resolution (hereinafter referred to as the "Subject Property") is generally located between Edinger Avenue and Center

Avenue, west of the existing Bella Terra development and east of the Union Pacific Rail Road line in the City of Huntington Beach, and is more particularly described in the legal description and sketch attached hereto as Exhibits "A" and "B", respectively, and incorporated by this reference as though fully set forth herein.

SECTION 2: That General Plan Amendment No. 07-001, which amends the General Plan Land Use Designation for the subject area from CR-F2-sp-mu-(F9) (Regional Commercial-0.5 FAR-Specific Plan Overlay-Mixed Use Overlay-1.5 FAR [MU-0.5{C}/25 du/acre]) to CR-F2-sp-mu (F14) (Regional Commercial-Specific Plan Overlay-Mixed Use Overlay-1.75 FAR [MU-0.2{C}/45 du/acre]) and the modifications to Subarea 5A of the Community District and Subarea Schedule, is hereby approved. The Director of Planning is hereby directed to prepare and file an amended Land Use Map and an amended Land Use Element. A copy of said map and the Land Use Element, as amended, shall be available for inspection in the Planning Department.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2008.

Mayor

ATTEST:

City Clerk

REVIEWED AND APPROVED:

City Administrator

APPROVED AS TO FORM:

City Attorney

INITIATED AND APPROVED:

Planning Director

ATTACHMENTS

Exhibit A: Legal Description

Exhibit B: Sketch

Exhibit C: General Plan Changes

EXHIBIT A

ATTACHMENT NO. 1.3

EXHIBIT "A"

**LEGAL DESCRIPTION OF
BELLA TERRA - PHASE II**

In the City of Huntington Beach, County of Orange, State of California, being all of Parcel 1 of Parcel Map No. 86-200 as per map filed in Book 255, Pages 40 through 45, inclusive of Parcel Maps in the office of the County Recorder of said County, together with a portion of Parcel 9 of Parcel Map No. 2003-163 as per map filed in Book 358, Pages 1 through 9, inclusive of said Parcel Maps, described as follows:

Beginning at the northwest corner of said Parcel 1; thence along the northerly lines of said Parcels 1 and 9 South 89°32'06" East 561.33 feet; thence leaving said northerly lines South 0°27'54" West 277.78 feet to a tangent curve concave easterly having a radius of 30.00 feet; thence southerly along said curve 15.90 feet through a central angle of 30°22'13"; thence tangent from said curve South 29°54'19" East 52.93 feet to the general northerly line of said Parcel 1; thence along said northerly line South 89°32'06" East 31.21 feet to the easterly line of said Parcel 1; thence along said easterly line South 0°27'54" West 11.16 feet; thence leaving said easterly line South 89°32'06" East 171.76 feet to a point on a non-tangent curve concave easterly having a radius of 450.00 feet, a radial line to said point bears North 75°15'25" West; thence southerly 368.66 feet along said curve through a central angle of 46°56'23"; thence tangent from said curve South 32°11'48" East 48.35 feet; thence North 89°32'06" West 408.17 feet to the easterly line of said Parcel 1; thence along the easterly, southerly and westerly lines of said Parcel 1, the following three courses: South 0°27'54" West 376.50 feet, North 89°32'06" West 466.61 feet and North 0°16'24" East 1,120.82 feet to the **Point of Beginning**.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.

Containing an area of 15.854 acres, more or less.



Larry Elton Rush, L.S. No. 4356
License Expires: June 30, 2009
Date: 8/18/08



August 18, 2008
WO No. 3337-1X
Page 1 of 1
H&A Legal No. 7217
By: L. Rush
Checked By: R. Williams/lr

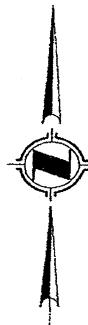
ATTACHMENT NO. 141

EXHIBIT B

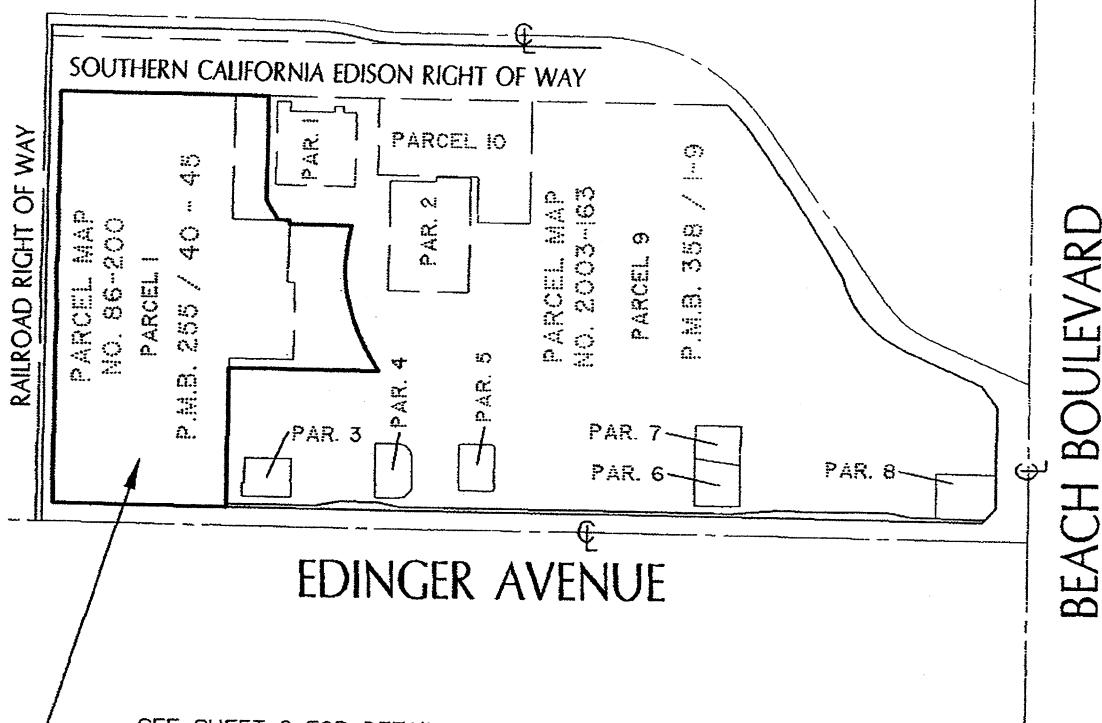
ATTACHMENT NO. 1.5

EXHIBIT "B"

Sketch to Accompany Legal Description



CENTER AVENUE



| | | | |
|---|--|--------------------|---------------------|
| H&A | HUNSAKER & ASSOCIATES IRVINE, INC. PLANNING ■ ENGINEERING ■ SURVEYING Three Hughes • Irvine, CA 92618 • PH: (949) 583-1010 • FX: (949) 583-0759 | | |
| DATE: 8-18-08 | REV. DATE --- | DWG By: T. VO | CK'd By: L. RUSH |
| FILE: I:\BELLA TERRA\LD\7217\Sht01.dwg | | SCALE: 1" = 500' | W.O. 3337-1X |
| | | H&A LEGAL No. 7217 | SHEET 1 OF 2 |

EXHIBIT
CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA

ATTACHMENT NO. 1.6

EXHIBIT "B"

Sketch to Accompany Legal Description

CENTER AVENUE



SOUTHERN CALIFORNIA EDISON RIGHT OF WAY

S89°32'06"E 561.33'

RAILROAD RIGHT OF WAY

N00°16'24"E 1120.82'

P.O.B.
NW CORNER
PARCEL 1

PARCEL 1

PARCEL MAP NO. 86-200
P.M.D. 285 / 40 - 45

S00°27'54"W
277.78'

PAR.

PAR. 10

Δ=30°22'13"
R=30.00' L=15.90'
S89°32'06"E
171.76'

N75°15'25"W

PAR. 2

S29°54'19"E 52.93'

S89°32'06"E 31.21'

S00°27'54"W 11.16'

PARCEL 8

N89°32'06"W 408.17'

PARCEL 9

S00°27'54"W 376.50'

PAR. 3

L=368.66'

R=450.00'

Δ=46°56'23"

PARCEL 8
PAR. 4

PARCEL 8
PAR. 4

48.55'

35°21'48"

EDINGER AVENUE

EXHIBIT

CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA



HUNSAKER & ASSOCIATES
IRVINE, INC.

PLANNING • ENGINEERING • SURVEYING
Three Hughes • Irvine, CA 92618 • Ph: (949) 583-1010 • Fx: (949) 583-0759

DATE: 8-18-08 REV. DATE: --- DWG BY: T. VO

CK'D BY: L. RUSH

SCALE: 1" = 200'

W.O. 3337-1X

FILE: I:\BELLA TERRA\LD\7217\Sht02.dwg

H&A LEGAL NO. 7217

SHEET 2 OF 2

EXHIBIT C

ATTACHMENT NO. 18

GENERAL PLAN LAND USE ELEMENT EXCERPT

TABLE LU-2b (cont.)

Land Use Density and Intensity Schedule

| Density Category | Permitted Density/Intensity |
|---|--|
| <i>MIXED USE-VERTICAL INTEGRATION</i> | The intensities/densities of structures vertically-integrating housing and commercial uses shall be determined by a combination of FAR and units per net acre. Each Mixed Use site shall be limited by a total building area FAR, a commercial area FAR, and a residential density. The cumulative total of commercial area FAR and residential density cannot exceed the total building area FAR. |
| -F8 | Maximum total building area floor area ratio of 1.5, commercial FAR of 0.35, and 25 units per net acre. |
| -F9 | Maximum total building area floor area ratio of 1.5, commercial FAR of 0.5, and 25 units per net acre. |
| -F10 | Maximum total building area floor area ratio of 1.5; structure may be fully developed with commercial uses, or combined with housing at a maximum density of 25 units per net acre. |
| -F11 | Maximum total building area floor area ratio of 2.0; structure may be fully developed with commercial uses, or combined with housing at a maximum density of 25 units per net acre. |
| -F12 | Maximum total building area floor area ratio of 3.0; structure may be fully developed with commercial uses, or combined with housing at a maximum density of 30 units per net acre. |
| -F13 | Maximum total building area floor area ratio of 1.5; structure may be fully developed with commercial uses, or combined with housing at a maximum density of 15 units per net acre. |
| -F14 | <input checked="" type="checkbox"/> Bella Terra Area B: Maximum total building area floor area ratio of 1.75; maximum commercial building floor area ratio of 0.2 (138,085 commercial square feet) and maximum 45 dwelling units per acre (713 residential units) |
| <i>MIXED USE-HORIZONTAL INTEGRATION</i> | The densities/intensities of commercial and residential uses are indicated by an FAR for the commercial portion of the site and units per acre for the residential portion of the site. Site areas allocated for each use are specified in the policies contained in this element. |
| -(FAR)/upa* | Maximum floor area ratio and units per net acre as indicated for each zone on the Land Use Plan. |

TABLE LU-4 (Cont.)
Community District and Subarea Schedule

| Subarea | Characteristic | Standards and Principles |
|------------------------------|----------------------------------|---|
| 4J Beach | Permitted Uses | Category: Shoreline ("OS-S") <ul style="list-style-type: none"> Coastal and recreational uses. |
| | Design and Development | In accordance with Policy LU 14.1.3. |
| 5 Regional "Core" | Area wide Functional Role | Enhance Huntington Center, the Edinger Corridor, and adjacent properties as a key focal point of regional commerce. |
| 5A Bella Terra Area A | Permitted Uses | Category: Commercial Regional ("CR") Region-serving commercial uses permitted by the "CR" land use category and mixed-use structures vertically-integrating housing with commercial uses permitted by the "-mu" overlay. |
| | Density/Intensity | Category: "-F2" <ul style="list-style-type: none"> Height: four (4) stories |
| | Design and Development | Category: Mixed Use (-mu) ; Specific Plan (-sp) <ul style="list-style-type: none"> Require the preparation of and development in conformance with a specific or master plan. Design and site development as a cohesive and integrated center and as stipulated by Policy LU 10.1.15. Locate buildings around common courtyards and pedestrian areas. Locate a portion of development along the Beach Boulevard frontage. Improve the signage and sense of entry from the Interstate 405 Freeway, Beach Boulevard, and other major access points. Implement extensive streetscape improvements along the Beach Boulevard and Edinger Street frontages. Promote the economic enhancement and revitalization of Bella Terra. |
| 5A Bella Terra Area B | Permitted Uses | Category: Commercial Regional ("CR") <u>Region-serving commercial uses permitted by the "CR" land use category and mixed-use structures vertically-integrating and horizontally-integrating housing with commercial uses permitted by the "-mu" overlay.</u> |
| | Density/Intensity | Category: "-F14" <ul style="list-style-type: none"> <u>Height: maximum ten (10) stories; see Specific Plan No. 13 for further restrictions on height</u> |
| | Design and Development | Category: Mixed Use (-mu) ; Specific Plan (-sp) <ul style="list-style-type: none"> <u>Require the preparation of and development in conformance with a specific or master plan.</u> <u>Design and site development as a cohesive and integrated center and as stipulated by Policy LU 10.1.15.</u> <u>Locate buildings around common courtyards and pedestrian areas.</u> <u>Locate a portion of development along the Edinger Street frontage.</u> <u>Implement extensive streetscape improvements along the Edinger Street frontage.</u> <u>Promote the economic enhancement and revitalization of Bella Terra.</u> |

ATTACHMENT NO. 2

SUGGESTED FINDINGS

ZONING TEXT AMENDMENT NO. 07-002

SUGGESTED FINDINGS FOR APPROVAL – ZONING TEXT AMENDMENT NO. 07-002 :

1. Zoning Text Amendment No. 07-002 amends the HBZSO by amending Specific Plan No. 13 to establish residential uses and design and development standards for the Bella Terra site. The proposed change will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan and the adopted Land Use Element of the General Plan because it allows mixed use development at a density and intensity appropriate for the site. The amended Specific Plan No. 13 is also compatible with surrounding development because the development standards ensure a transition in height from the lower buildings along Edinger Avenue to the highest structures on the northern portion of the site. This height is compatible with and not out of character with the Towers at Bella Terra across Center Avenue and the recently approved The Ripcurl to the west. Other development standards, also contribute to the project's compatibility by ensuring adequate common and private open space, setbacks, and landscaping for a combination residential and commercial development in an urban setting.
2. The amended Specific Plan No. 13 will enhance potential for superior urban design in comparison with development under the base district provisions that would apply if the Plan were not approved because along with the typical development standards for the overall building design, Specific Plan No. 13 also includes general goals and policies designed to implement the General Plan vision for Subarea 5A, particularly a highly articulated architecture, pedestrian oriented, shopping experience with open space plazas, and synergy between the residential and commercial uses.
3. Deviations from the base district provisions that otherwise would apply, such as maximum building height, front setbacks along Edinger Avenue, minimum unit size, and minimum common and residential open space, are justified by compensating benefits of the Specific Plan. Overall the Specific Plan Design Guidelines and Development Standards facilitate development of a high quality mixed use project with enough open space, air, light, ventilation, pedestrian connections, interesting architecture, well designed circulation, and landscaping for an enjoyable environment in which to live, work, and play. Specifically, implementation of a future mixed use project in compliance with the amended Specific Plan No. 13 will promote transformation of the Bella Terra lifestyle center into a vital Town Center Core.
4. The amended Specific Plan No. 13 includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems. Specific Plan No. 13 describes and depicts adequate provisions for the utilities and public services described above. Additionally, EIR No. 07-003 contains a complete analysis of the project's expected demands for utilities and public services and demonstrates adequate provisions to meet the project's needs.

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH,
CALIFORNIA, APPROVING AN AMENDMENT TO
SPECIFIC PLAN NO. 13 (ZONING TEXT AMENDMENT NO. 07-002)**

WHEREAS, Zoning Text Amendment No. 07-002 has been prepared and analyzed in the Planning Commission Staff Report dated October 14, 2008; and

Zoning Text Amendment No. 07-002 is a request to amend Specific Plan No. 13 – Bella Terra to establish residential design and development standards on an approximate 15.85 acre parcel of land within Area B of the Specific Plan, located between Edinger Avenue and Center Avenue, west of the existing Bella Terra development and east of the Union Pacific Rail Road.

The Planning Commission held a public hearing pursuant to Government Code Section 65353 on _____ date _____ to consider said Zoning Text Amendment; and

The Planning Commission is required to make a recommendation to the City Council on the amendment to the General Plan pursuant to Government Code Section 65354.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Huntington Beach finds as follows:

SECTION 1: The amended Specific Plan is consistent with the adopted Land Use Element of the General Plan.

SECTION 2: The amended Specific Plan enhances the potential for superior urban design in comparison with the development under the base district provisions that would apply if the Plan were not approved.

SECTION 3: The deviations from the base district provisions that otherwise would apply are justified by the compensating benefits of the Specific Plan; and

SECTION 4: The amended Specific Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems.

SECTION 5: The Specific Plan No. 13, attached hereto as Exhibit “A” and incorporated by this reference as thoroughly set forth herein, is hereby adopted and approved.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held on the _____ day of _____.

Mayor

ATTEST:

City Clerk

REVIEWED AND APPROVED:

City Administrator

APPROVED AS TO FORM:

City Attorney

INITIATED AND APPROVED:

Planning Director

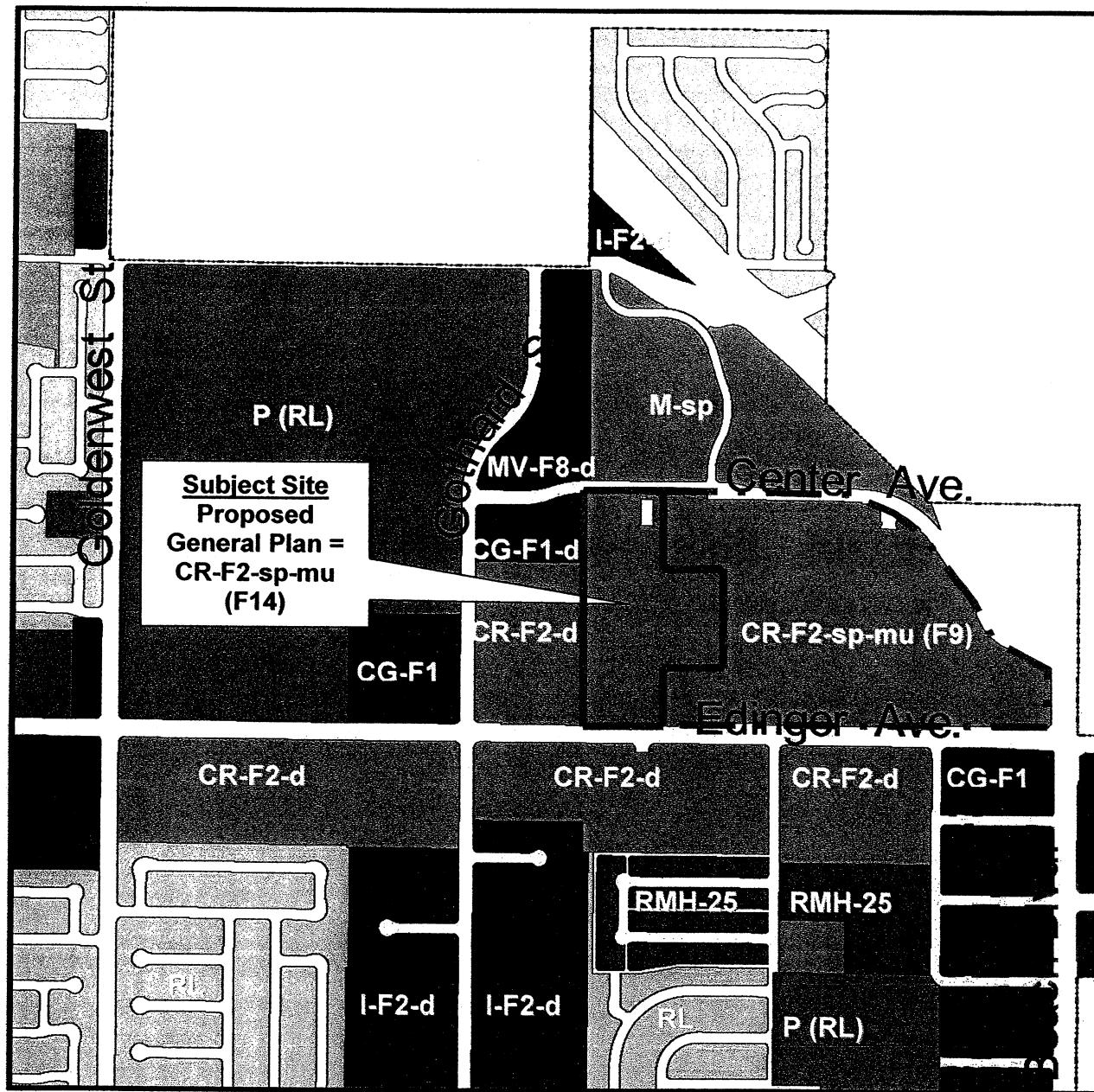
ATTACHMENTS

Exhibit A: Specific Plan No. 13-Bella Terra

EXHIBIT A

DRAFT SPECIFIC PLAN NO. 13

**SEE ATTACHMENT NO. 6
OF PLANNING COMMISSION STAFF REPORT**



CURRENT AND PROPOSED GENERAL PLAN DESIGNATIONS

GENERAL PLAN AMENDMENT NO. 07-01 AND
ZONING TEXT AMENDMENT NO. 07-02
(THE VILLAGE AT BELLA TERRA – 7777 EDINGER AVENUE)

GENERAL PLAN LAND USE ELEMENT EXCERPT

TABLE LU-2b (cont.)

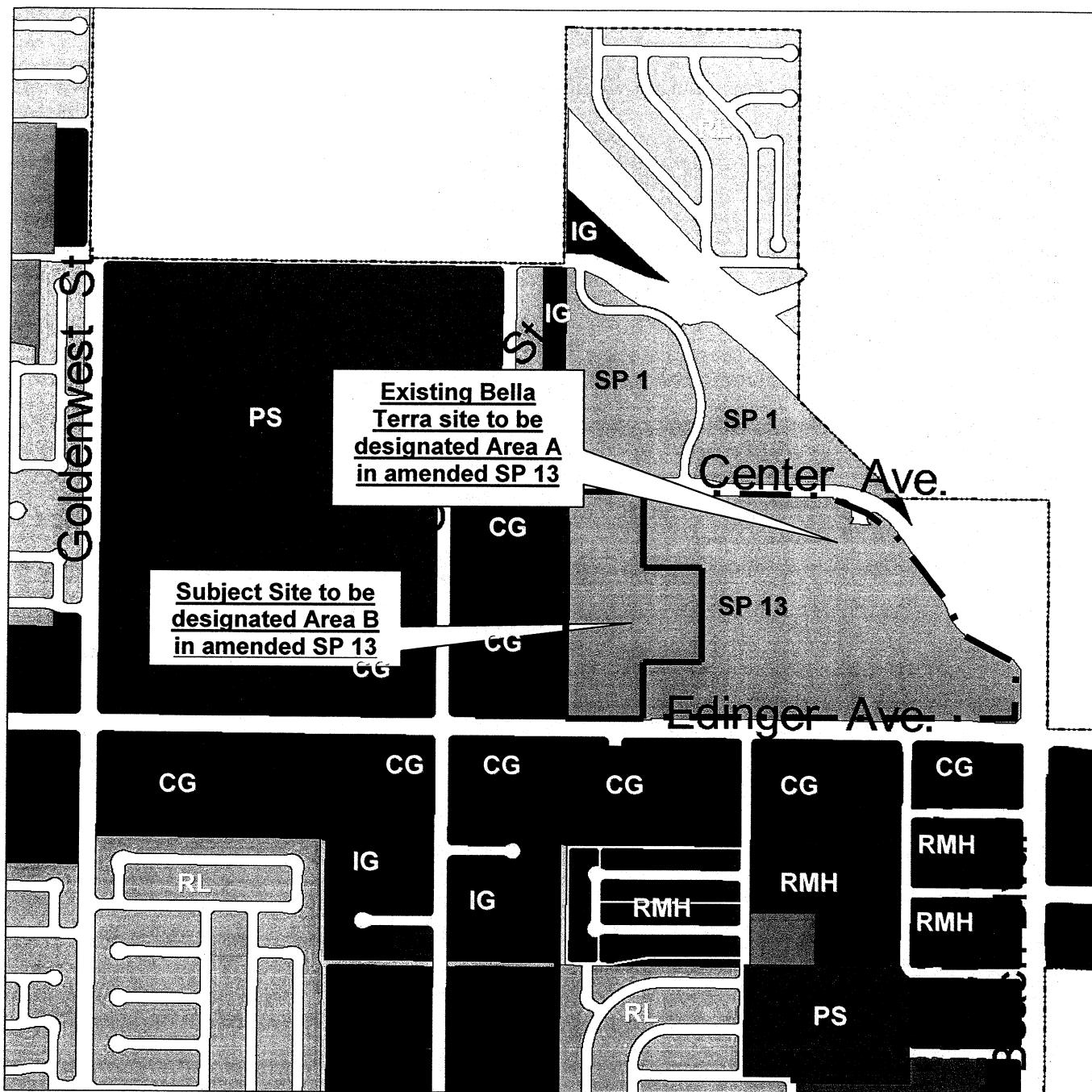
Land Use Density and Intensity Schedule

| Density Category | Permitted Density/Intensity |
|---|--|
| <i>MIXED USE-VERTICAL INTEGRATION</i> | The intensities/densities of structures vertically-integrating housing and commercial uses shall be determined by a combination of FAR and units per net acre. Each Mixed Use site shall be limited by a total building area FAR, a commercial area FAR, and a residential density. The cumulative total of commercial area FAR and residential density cannot exceed the total building area FAR. |
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| -F9 | Maximum total building area floor area ratio of 1.5, commercial FAR of 0.5, and 25 units per net acre. |
| -F10 | Maximum total building area floor area ratio of 1.5; structure may be fully developed with commercial uses, or combined with housing at a maximum density of 25 units per net acre. |
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| -F14 | <input type="checkbox"/> Bella Terra Area B: Maximum total building area floor area ratio of 1.75; maximum commercial building floor area ratio of 0.2 (138,085 commercial square feet) and maximum 45 dwelling units per acre (713 residential units) |
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| -(FAR)/upa* | Maximum floor area ratio and units per net acre as indicated for each zone on the Land Use Plan. |

TABLE LU-4 (Cont.)

Community District and Subarea Schedule

| Subarea | Characteristic | Standards and Principles |
|-----------------------------|--------------------------------------|--|
| 4J Beach | Permitted Uses | Category: Shoreline (“OS-S”) <ul style="list-style-type: none"> Coastal and recreational uses. |
| | Design and Development | In accordance with Policy LU 14.1.3. |
| 5 Regional “Core” | Area wide Functional Role | Enhance Huntington Center, the Edinger Corridor, and adjacent properties as a key focal point of regional commerce. |
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| | Density/Intensity | Category: “-F2” <ul style="list-style-type: none"> Height: four (4) stories |
| | Design and Development | Category: Mixed Use (-mu) ; Specific Plan (-sp) <ul style="list-style-type: none"> Require the preparation of and development in conformance with a specific or master plan. Design and site development as a cohesive and integrated center and as stipulated by Policy LU 10.1.15. Locate buildings around common courtyards and pedestrian areas. Locate a portion of development along the Beach Boulevard frontage. Improve the signage and sense of entry from the Interstate 405 Freeway, Beach Boulevard, and other major access points. Implement extensive streetscape improvements along the Beach Boulevard and Edinger Street frontages. Promote the economic enhancement and revitalization of Bella Terra. |
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**ZONING MAP
PROPOSED SUBAREAS WITHIN SP 13**

**GENERAL PLAN AMENDMENT NO. 07-01 AND
ZONING TEXT AMENDMENT NO. 07-02
(THE VILLAGE AT BELLA TERRA – 7777 EDINGER AVENUE)**



The Crossings at Bella Terra -

Huntington Beach

City of Huntington Beach
Specific Plan Number 13

The Crossings at Huntington Beach

Bella Terra

City of Huntington Beach

SPECIFIC PLAN NO. 13

Prepared by

City of Huntington Beach Planning Department
Huntington Associates LLC.

with

Greenberg Farrow Architects
EDAW
Richard Sawyer

Adopted July 5, 2000 – City Council Resolution No. 2000-68

Reconsidered and Modified August 7, 2000 – City Council Resolution No. 2000-80
Modified April 17, 2006 – Ordinance No. 3728

The Crossings at Huntington Beach **Bella Terra** Specific Plan

2

August 7, 2000 – October 14, 2008

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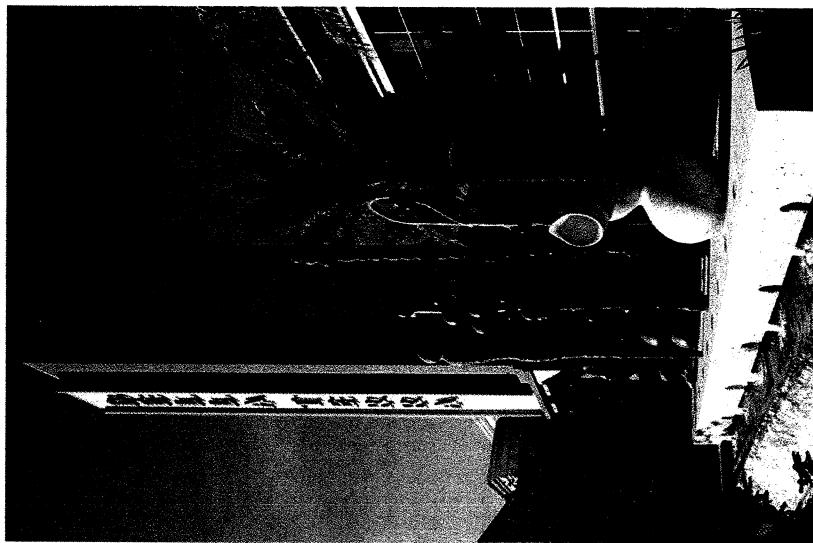
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ATTACHMENT NO. 6.4

INTRODUCTION



The Crossings at Huntington Beach Bella Terra Specific Plan

5

August 7, 2000–October 14, 2008

INTRODUCTION

1.0 PURPOSE AND INTENT

Background – The Crossings Specific Plan was adopted on August 7, 2007 for development of 63 acres for Regional Commercial uses. Approximately 50 acres was redeveloped in 2005 with approximately 694,422 square feet of commercial space. The remaining 13 acres was under separate ownership and remained vacant with the shuttered Montgomery Ward store and auto repair facility.

The current project renames the Specific Plan to Bella Terra, modifies the allowable uses on the vacant 13 acre (15 acres after a future lot line adjustment) portion, and plans for the redevelopment of that site accordingly.

The Crossings-at-Huntington-BeachBella Terra Specific Plan establishes the planning concept, design theme, development regulations and administrative procedures necessary to achieve an orderly and compatible development of the project area, and to implement the goals, policies and objectives of the Huntington Beach General Plan. The intent is to establish a visitor serving, regional-commercial shopping and mixed use high density residential setting and achieve a high quality in residential, retail and entertainment design.

The Crossings-at-Huntington-BeachBella Terra Specific Plan identifies the location, character and intensities for a regional commercial complex herein referred to as Bella Terra Area A and a mixed use high density residential and regional commercial setting herein referred to as Bella Terra Area B (Exhibit 3B). The Specific Plan creates a compatible design theme for the project areas and establishes the development regulations necessary to accomplish the identified objectives.

The Specific Plan is regulatory in nature and serves as zoning for The Crossings-at-Huntington-BeachBella Terra. Subsequent development plans, Parcel Maps and other entitlement requests for the project areas must be consistent with both the Specific Plan and the Huntington Beach General Plan. According to Public Resources Code Section 21083.3(b), “If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division [CEQA] to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report.” Based upon Public Resource Code Section 21083.3 The original Crossings-at-Huntington-Beach Specific Plan for Bella Terra Area A (The Crossings at Huntington Beach

Specific Plan ~~is~~was exempt from preparation of an environmental assessment until a site plan ~~is~~was submitted for approval by the City. ~~Therefore, it would be “speculative” to provide an assessment of impacts peculiar to the project.~~ Once ~~a~~ A site plan ~~is~~was approved, an environmental assessment ~~will be~~ was performed by the City of Huntington Beach, and a Mitigated Negative Declaration was approved with the site plan, and mitigations ~~will be~~ were applied to the Bella Terra Area A project.

As required by the California Environmental Quality Act (“CEQA”) (Pub. Res. Code §§ 21000 et seq.) an EIR was prepared to analyze and mitigate significant environmental impacts created by this Specific Plan as amended for Bella Terra Area B, as well as the concurrently processed General Plan Amendment. To the extent that prior environmental documentation for the City’s General Plan and prior specific plans for this site have analyzed environmental impacts associated with the Specific Plan as amended, CEQA permits the City to utilize or rely on such conclusions in connection with preparing the EIR for this project (Pub. Res. Code §§ 21083.3(b), 21166). The EIR identifies and imposes mitigation for significant impacts caused by the project as proposed.

1.1 AUTHORITY AND PROCEDURE

The State of California requires that all cities and counties prepare and adopt a comprehensive General Plan for the physical development of their area of jurisdiction.

Following the adoption of the General Plan, the entity is required to develop and adopt regulating programs (zoning and subdivision ordinances, building and housing codes, and other regulations), which will implement the policies described in the General Plan.

California State law authorizes cities with complete General Plans to prepare and adopt Specific Plans (Government Code Sections 65450 et. seq.). Specific Plans are intended to be a bridge between the local General Plan and individual development proposals. Specific Plans contain both planning policies and regulations, and may combine zoning regulations, capital improvement programs, detailed development standards and other regulatory methods into one document which can be tailored to meet the needs of a specific area.

Local planning agencies or their legislative bodies may designate areas within their jurisdictions as ones for which a Specific Plan is “necessary or convenient” (Government Code Section 65451).

A Specific Plan may either be adopted by ordinance or resolution (Government Code Section 65507). Should the legislative body wish to change a proposed Specific Plan recommended by the Planning Commission, the change must first be referred back to the Commission for consideration, if not previously considered (Government Code Section 65504).

Adoption or amendment of a Specific Plan constitutes a project under the California Environmental Quality Act (CEQA) and the State's Environmental Impact Report (EIR) guidelines. If the initial environmental review shows that the proposed or amended plan could significantly affect the environment, the jurisdiction must prepare an EIR and submit it in draft form for public review. The need for an EIR in a particular case is determined by the local government. In this case for Bella Terra Area A, since an EIR has been prepared for the City's adopted General Plan and the prior Specific Plan is within the umbrella of the General Plan and associated Certified EIR, the environmental assessment ~~to be completed at the site plan review/approval stage~~ for the ~~prior original~~ ~~The Crossings at Huntington Beach~~ Bella Terra Specific Plan will be limited to the effects peculiar to the project (Public Resources Code Section 21083.3(b)).

In the case for Bella Terra Area B, an EIR has been prepared and is being processed concurrently with the Specific Plan as amended and General Plan Amendment.

The preparation, adoption and implementation of ~~The Crossings at Huntington Beach~~ Bella Terra Specific Plan by the City of Huntington Beach is authorized by the California Government Code, Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457.

The Huntington Beach General Plan was adopted by the City Council on May 13, 1996. The General Plan designates the project area as Regional Commercial in Bella Terra Area A. ~~The Crossings at Huntington Beach and the General Plan Amendment being processed concurrently with this Specific Plan will permit high density residential and mixed uses in Bella Terra Area B.~~ The Bella Terra Specific Plan is consistent with the goals and policies of the Huntington Beach General Plan, as amended.

1.2 SCOPE AND FORMAT

The ~~Crossings at Huntington Beach~~ Bella Terra Specific Plan is divided into four sequential sections. Section One is the Introduction and describes the purpose and intent of the document along with a brief explanation of Specific Plan procedures and authorization.

Section One also presents the Project Area Description and is intended to establish the reasons why the Specific Plan process is logical and necessary for this portion of the City. This section presents a general description of the Specific Plan area; special characteristics and existing conditions which make this area unique have been identified.

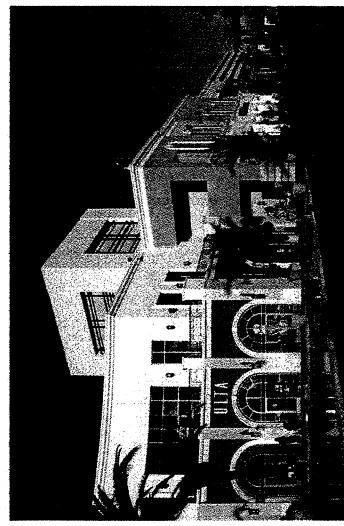
Section Two presents the Implementation process and discusses how individual projects and tenant improvements will be reviewed and approved. This section outlines the project approval procedures and describes the process for project appeals and the methods by which the Specific Plan can be modified or amended.

Section Three describes the Development Concept. The design concept evolves from the objectives identified and existing conditions discussed in Section One. This section also presents the circulation, public facilities, infrastructure and landscaping which will support the development concept and reinforce the design theme.

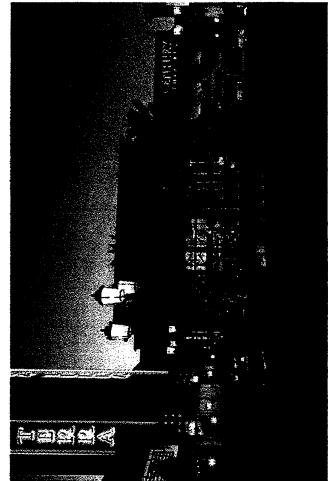
Section Three also includes the Design Guidelines. This section identifies and describes the intended character for the area and provides a framework for project implementation.

Section Four establishes the Development Regulations for the Specific Plan area and for individual project development. Section Four presents a detailed description of the Development Standards which are necessary to guide and control new projects and carry out the goals and policies of the Specific Plan and the City's General Plan.

An Appendix (printed under separate cover) contains all the special studies and reports which have contributed to the formulation of the Specific Plan. The Appendix (Volume Two) includes the Legal Description of the site, a General Plan Consistency analysis and a Mitigation Monitoring and Reporting Program. A General Plan Consistency Analysis, which identifies the Mitigation Measures and Conditions of Approval from EIR No. 07-003 desired in the Environmental Analysis and includes the proposed Site Standards.



View of Remaa's Ulta from Edinger Avenue



The view of The Crossings at Huntington Beach from Center Avenue and Ampitheater

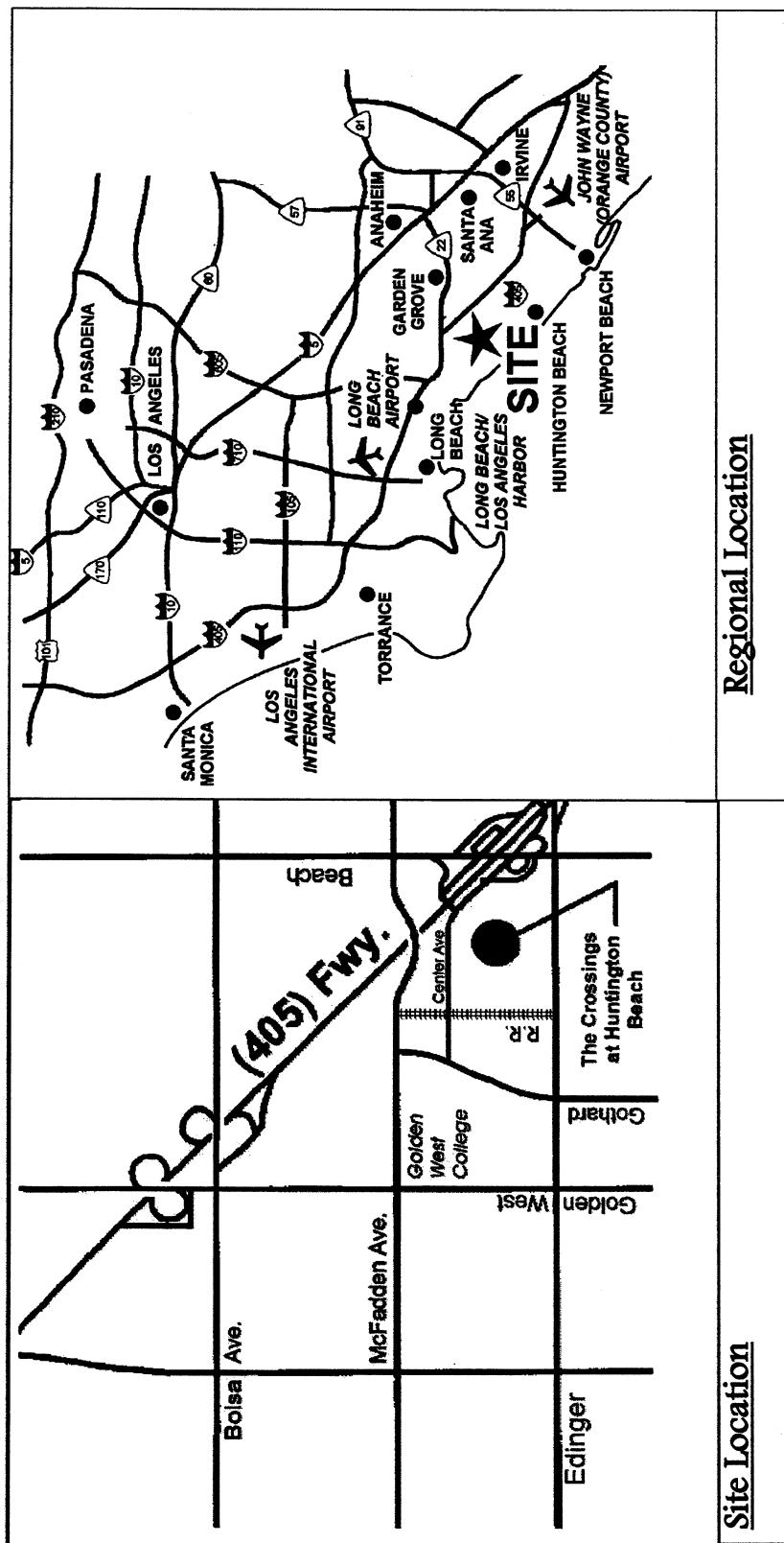
1.3

PROJECT AREA DESCRIPTION

The Crossings at Huntington Beach Bella Terra Specific Plan covers 63 acres located in the northern portion of the City of Huntington Beach. The area is generally bounded on the north by Center Avenue, on the east by Beach Boulevard, on the south by Edinger Avenue, and on the west by Southern Pacific railroad right-of-way.

The Bella Terra Specific Plan is divided into two distinct areas (Exhibit 3B). Area A represents development of the original Bella Terra lifestyle center on the easterly portion of the site, approximately 48 acres in size. Area A is developed with regional commercial uses. Area B represents the remaining westerly portion of the site, approximately 15 acres in size and was formerly occupied by the vacant Montgomery Ward retail store and associated auto repair facility. Area B is proposed for mixed-use development with a combination of commercial and residential uses.

A legal description of properties in the Specific Plan project area has been included in the Appendix.



Vicinity Maps Exhibit 1

The project area is surrounded by a variety of land uses and activities. The San Diego Freeway (405) and an office retail complex create the northern boundary. To the south, office and retail uses are located across Edinger Avenue. To the east, commercial uses are located across Beach Boulevard. To the west, is the Southern Pacific Railroad Line. The property across from the rail line is designated commercial.



Bella Terra Aerial Photograph
Aerial Photograph circa 2006
Exhibit 2

*The Crossings at Huntington Beach*Bella Terra Specific Plan

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1.4 GENERAL PLAN DESIGNATION

The ~~entire~~Bella Terra Area A-Crossings-at Huntington Beach-is currently designated as CR-F2-sp-mu(F9)-Commercial Regional - 0.5 FAR-Specific Plan Overlay-Mixed Use Overlay-1.5 (MU-0.5 (C)/25du/acre in the City's General Plan. The site has been designated for commercial land uses since the mid 1960s. The commercial regional designation anticipates anchor department stores, promotional retail, restaurants, entertainment, and similar region-serving uses. The Bella Terra Area B will be a mixed use high density residential project and will be designated as CR-F2-sp-mu (F14). The newly established F14 FAR category would specify an overall maximum mixed use building area FAR of 1.75. The maximum commercial development and residential density would be limited to only one of the following development combinations on the project site.

Option 1 (Increased Residential). Maximum total building area FAR of 1.75, commercial FAR of 0.2 and 45 du/ac, which would permit a maximum of 713 residential units and 138,085 sf of commercial uses.

Option 2 (Increased Commercial). Maximum total building area FAR of 1.75, commercial FAR of 0.6, and 34 du/ac, which would permit a maximum of 538 residential units and 414,255 sf of commercial uses.

The site has been designated within General Plan Subarea 5A requiring that a Specific Plan with special regulations and standards be established for "Huntington Center." The new General Plan development potential for Area B (established by one of the two combinations) would be established in both the Land Use Density and Intensity Schedule and General Plan Subarea 5a. The following Design and Development policies are described in the General Plan for the mall property:

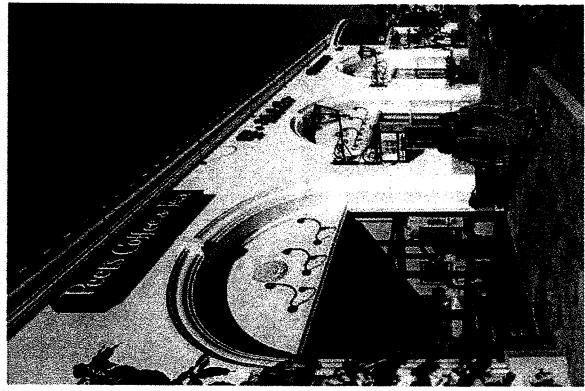
Design and Development

LU 10.1.15

Require that regional commercial developments be designed to convey the visual sense of an integrated center by consideration of the following principles:

- a. Use of multiple building volumes and masses and highly articulated facades to reduce the visual sense of large scale "boxes";
- b. Use of roofline of height variations to visually differentiate the building massing and incorporation of recesses and setbacks on any elevation above the second floor above grade;

- c. Siting of a portion of the buildings in proximity to their primary street frontage to convey a visual relationship to the street and sidewalks;
- c. Design of the exterior periphery of the structures to contain shops, restaurants, display windows, and other elements that provide visual interest to parking area and the street elevation;
- d. Inclusion of a "public square" as a gathering place of public activity in multi-tenant regional centers;
- e. Clear identification of building entrances;
- f. Use of landscaping that provides a three-dimensional character;
- g. Encourage the provision of public art;
- h. Inclusion of consistent and well-designed signage integrated with the building's architectural character, including pedestrian-oriented signage; and
- i. Design of parking structures to be visually integrated with the commercial buildings. (I-LU 1, I-LU 4, I-LU 5, I-LU 7, I-LU 10 and I-LU 13)



View of Starbucks Peet's Coffee and Barnes & Noble T-Mobile from Center Avenue



View of Merry-Kohl's from Center Avenue

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1.5 ZONING PROVISIONS

The Crossings at Huntington Beach is presently zoned General Commercial ("CG")—Bella Terra's land use designations are governed by this Specific Plan (as amended) and are, therefore, not limited to the uses defined in the City's Zoning Code. The Specific Plan lists land uses that accommodate a full range of retail, restaurant, office, and mixed-use high density residential, and service businesses. The site is also within a sub-area of the merged Redevelopment Project Areas. The adoption of this Specific Plan will supersede the existing zoning and establish a new set of development regulations.

The Crossings at Huntington Beach Area A site currently consists of a number of numerous activities. The site presently contains approximately 960,000-694,422 square feet of retail commercial space, some of which is currently unoccupied (not including additional square footage proposed as part of Bella Terra Area B). This site has been developed in numerous several phases over the past 30 years. Current market pressures and extent of adjacent competing retail activities are driving the need to develop a new exciting commercial/mixed-use center for the City.

1.6 STATE MANDATED REQUIREMENTS

To comply with the State of California legislated mandates, the City of Huntington Beach has adopted several plans to deal with regional issues including Air Quality, Congestion Management, Growth Management and Transportation Demand Management Plans. All development within the Specific Plan area shall comply with the applicable provisions of the following plans:

South Coast Air Quality Management Plan

The South Coast Air Quality Management Plan (AQMP) requires measures to reduce traffic congestion, improve air quality, and requires that cities develop Air Quality components within their General Plans. These measures include Regulation XV, a program which requires employers of more than one hundred (100) persons to prepare trip reduction plans, and a requirement for jurisdictions to prepare an air quality component in the General Plan.

The City of Huntington Beach is subject to all local jurisdiction requirements set forth by the AQMP. The City has adopted an Air Quality Element and Transportation Demand Management Ordinance, which incorporates AQMP measures.

Congestion Management Plan

The Congestion Management Plan (CMP) is required by Assembly Bill 471 (Proposition 111), subsequently modified by Assembly Bill 1791. This Bill requires every urbanized county to adopt a CMP, the County of Orange has prepared a CMP which includes the City of Huntington Beach. The CMP requires mitigation of traffic impacts of development, as well as trip reduction programs. The City of Huntington Beach has completed the mandated components of the CMP including level of service standards, trip reduction program, and a capital improvements program for traffic and transit.

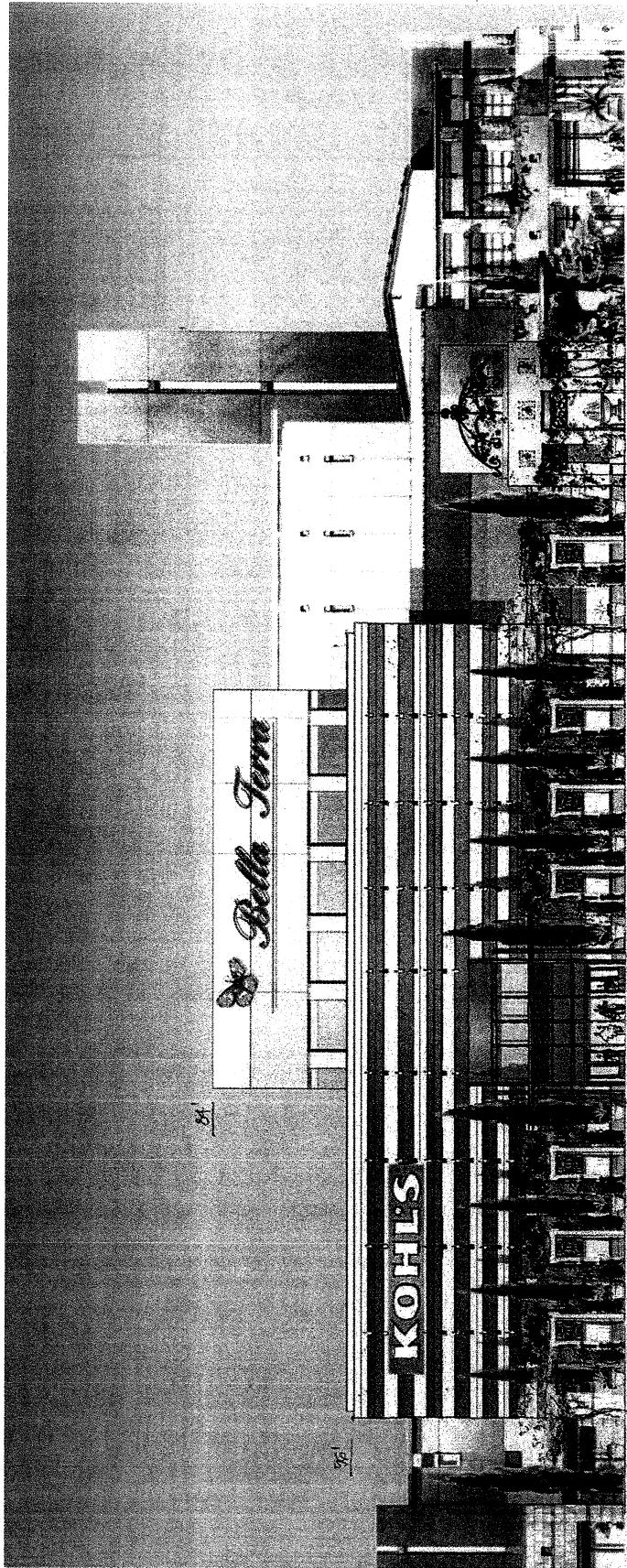
Growth Management Plan

A Growth Management Plan (GMP) is required to implement the passage of Orange County Measure M approved in the 1990 election. Its purpose is to ensure that the planning, management, and implementation of traffic improvements and public facilities are adequate to meet current and projected needs. The City has an approved Growth Management Element, which meets the requirements for Measure M funding, and an adopted Transportation Demand Management Ordinance.

Transportation Demand Management

Transportation Demand Management (TDM) measures are generally directed at increasing auto occupancy, decreasing peak hour usage, and managing demand for transportation facilities. The City's TDM Ordinance is part of its compliance with the Growth Management Plan. Development owners, operators and tenants will be required to implement the City's TDM Ordinance.

IMPLEMENTATION



Section Two

The Crossings at Huntington Beach Bella Terra Specific Plan

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August 7, 2000 - October 14, 2008

IMPLEMENTATION

2.0 ADMINISTRATION

The City's Planning Director shall administer the provisions of the Crossings at Huntington BeachBella Terra Specific Plan in accordance with the State of California Government Code, Subdivision Map Act, the Huntington Beach Municipal Code, and the City's General Plan.

The Specific Plan development procedures, regulations, standards and specifications shall supersede the relevant provisions of the City's Zoning Code (Huntington Beach Zoning and Subdivision Ordinance) as they currently exist or may be amended in the future. Any development regulation and building requirement not addressed in the Specific Plan shall be subject to the City's adopted regulations in place at the time of an individual request.

The Specific Plan may be amended. The Planning Director shall have the discretion to determine if requests for modification to the Specific Plan are minor or major.

Minor modification is a simple amendment to the exhibits and / or text, and determination of similar land uses as described on Exhibit 11A and 14, Permitted Uses Chart which does not change the meaning or intent of the Specific Plan. Minor modifications may be accomplished administratively by the Director with written notification to the City Council, Planning Commission, and City Administrator. Major modifications are amendments to the exhibits and/or text which are intended to change the meaning or intent of the Development Concept, Design Guidelines, or Development Regulations. Major modifications require a Zoning Text Amendment and action by the Planning Commission and City Council.

The action by the Planning Director shall be final, except that in the Area of the Specific Plan described as Phase II (see Map in Appendix D) Area B, the Planning Director's decision shall be final unless appealed to the City Council by the applicant or a City Council member within ten calendar days of written notification by the Planning Director.

2.1 DEVELOPMENT CONSTRUCTION PHASING PLAN

The proposed prior Specific Plan project Area A is anticipated to occurred in one (1) phase. The existing Retail (Barnes & Noble, Staples, and Circuit City) and any remaining Department Stores (such as, Burlington Coat Factory, Montgomery Wards or Mervyns) will received major exterior renovation, new enhanced paving, and landscaping. The Specific Plan Area B will occur in multiple phases. The existing Area A Retail will remain; however, additional enhancements (such as landscaping) may occur to link the two areas together. The

The Crossings at Huntington BeachBella Terra Specific Plan

demolition, infrastructure and utility work of the new construction, within Area B will be scheduled and built such that the remaining center remains in operation with minimum inconvenience to the remaining tenants. Construction-Area B construction is anticipated to take 18-24 months from start of demolition.

2.2 METHODS AND PROCEDURES

The methods and procedures for implementation of the Specific Plan shall be on a project by project basis. The adoption of the Specific Plan alone will not require infrastructure improvements to the project area. Physical improvements will only coincide with the commencement of the first project and approval of a Site Plan Review. The Specific Plan is a regulatory document and is not intended to be a Development Agreement.

2.3 SITE PLAN REVIEW

All new projects within the Crossings at Huntington BeachBella Terra Specific Plan project area shall be implemented through a Site Plan Review process. A Site Plan Review shall be required for all new development activity, with the exception of interior improvements, general maintenance and repair or other minor construction activities that do not result in an intensification of the use. These exceptions may be subject to other Building and Public Works permits and approvals prior to commencement.

Application to the City for a Site Plan Review shall include a narrative of the proposed activity along with preliminary development plans and drawings. The narrative shall consist of a project description identifying the intended services offered with square feet, hours and days of operation, number of employees, and other information as appropriate. Supplemental to the application submission, project plans shall be prepared including the following preliminary plans: site plan, floor plans, elevations, landscaping, grading, fencing and signage plans; other plans may be required depending on the complexity of the project. The entire parcel shall be plotted with dimensions and all pertinent data and include dimensions to the nearest intersecting public street and identify all street names. In addition, all existing and proposed physical features and structures on the subject property and abutting properties shall be plotted.

The application shall also include a legal description of the property, identification of the uses for each room on the floor plans and a list of all the building materials and exterior colors. An application fee for this service shall be established by a separate resolution of the City Council.

The Planning Director has the authority to approve, conditionally approve, or deny a Site Plan Review with written notification to the City Council and City Administrator. A Site Plan Review application may also require analysis and comments from various departments of the City. In order to approve a Site Plan Review application, the Planning Director shall make the following findings:

- The request is consistent with the City's General Plan and all applicable requirements of the Municipal Code; and
- The requested activity will not be detrimental to the general welfare of persons working or residing in the vicinity nor detrimental to the value of the property and improvements in the neighborhood; and
- The requested activity will not adversely affect the Circulation Plan; and
- The requested activity will comply with the provisions of The Crossings at Huntington Beach Bella Terra Specific Plan and other applicable regulations or special conditions required of the project.

The action of the Planning Director shall be final unless appealed to the City Council by the applicant submitting a Site Plan Review application or for the Area of the Specific Plan described as Phase II (see Map in Appendix D) Area B appealed to the City Council by the applicant or a City Council member, within ten calendar days of action of written notification by the Planning Director. Such Appeals for a Site Plan Review shall be subject to the procedures outlined in the City's Zoning and Subdivision Ordinance.

A Site Plan Review approval shall be valid for a period of one year. Additional one year extensions may be requested for a maximum of two years. Such an extension request must be made in writing by the original applicant, property owners, and/or authorized designee, a minimum of thirty days prior the expiration of the current approval. If construction activity does not commence within the approval or extension period, the entitlement shall be terminated.

All final decisions on site plan review proposals shall be the responsibility of the Planning Director, subject to appeal, as stated above.

2.4 PARCEL MAPS

The project area may be subdivided through a Parcel Map process. Parcel Maps shall be prepared consistent with the Master Plan Concept to facilitate development. These maps shall identify the infrastructure and improvements necessary to support the anticipated projects, subject to review by the City's Public Works and Fire Departments.

The Crossings at Huntington Beach Bella Terra Specific Plan

Upon recordation, Parcel Maps may be further divided and/or adjusted by filing a subsequent Parcel Map or a Lot Line Adjustment, pursuant to the provisions of the Subdivision Map Act. A Tentative and Parcel Map may be approved, or conditionally approved by the Planning Director and the City Engineer, with written notification to the City Council and City Administrator providing the proposal is found to be in compliance with the Specific Plan.

In order to approve the Tentative Map the Planning Director shall make the following findings:

- The proposed Tentative Map is consistent with the General Plan, Specific Plan, and all other applicable provisions of the City's adopted codes and regulations; and
- The site is physically suitable for the type and density of development proposed; and
- The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

- The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided.

The action by the Planning Director shall be final, except that in the Area of the Specific Plan described as Area B Phase II (see Map in Appendix D), the Planning Director's decision shall be final unless appealed to the City Council by the applicant or a City Council member within ten calendar days of written notification by the Planning Director.

2.5 REUSE/CHANGE OF USE REVIEW

Any proposal to reuse and/or change the use of a previously approved and constructed development, within the project area, will be subject to additional review by the Planning Department. The additional review will follow the same procedures outlined in the Site Plan Review process. A "like for like" change of use shall only be subject to the requirements for a new certificate of occupancy; however any new construction beyond that shall require a new Site Plan Review. In addition any proposed physical ~~modifications~~ alterations to the existing structure and/or site shall be subject to additional review and approval of the Planning Director prior to the

The Crossings at Huntington Beach Bella Terra Specific Plan

issuance of building permits. The Planning Director may refer individual projects to Design Review Board for review and as final arbiter of compliance with the Specific Plan. Any decision by the Planning Department may be appealed within ten calendar days to the Planning Commission.

2.6 ENVIRONMENTAL DETERMINATION

The Zoning and Development Standards of all anticipated development activity for ~~The Crossings at Huntington Bella Terra~~ Area A and B have been identified in the Specific Plan. Development project requests shall be subject to environmental review as mandated by the California Environmental Quality Act (CEQA). The Planning Director shall impose any applicable environmental mitigation measures, as specified in the environmental analysis, as conditions of approval on individual Site Plan Reviews. Such conditions of approval shall describe the time period and manner in which the mitigation measure must be satisfied.

2.7 REQUEST FOR DEVIATION

The ~~Crossings at Huntington Beach~~ Bella Terra Specific Plan Development Regulations are intended to encourage projects which create an aesthetically pleasing appearance, enhance the environment, and facilitate innovative quality architectural design with an adaptation to the surrounding environment.

Deviations pertain only to the Development Regulations of the Specific Plan and may be granted at the time of Site Plan Review for special circumstances and/or unique architectural features.

Requests for Deviations may include but are not limited to building height, setbacks, open space, parking, and landscaping. Deviation requests, up to ten (10) percent of any single standard, may be considered by the Planning Director. Deviations greater than ten (10) percent must be approved by a Variance application before the Zoning Administrator, subject to the procedures outlined in the City's Zoning and Subdivision Ordinance. Development and construction phasing of selected provisions and features may be approved by the Director concurrent with a Site Plan Review and shall not require a Request for Deviation or Variance to the Specific Plan. Deviations shall be allowed when, in the opinion of the Planning Director, significantly greater benefits from the project can be provided than would occur if all the minimum requirements were met. Some additional benefits which may make a project eligible for consideration include: greater open space, greater setbacks, unique or innovative designs, public open space, and the use of energy conservation or innovative technology.

The Planning Director may approve the Request for Deviation in whole or in part upon making the following findings.

- Promotes better design, environmental and land planning techniques and contribute to the economic viability of the community, through aesthetically pleasing architecture, landscaping and site layout; and
- Will not be detrimental to the general health, welfare, safety and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general; and
- Is consistent with objectives of the Specific Plan in achieving a project adapted to the area and compatible with the surrounding environment; and
- Is consistent with the goals and policies of the City's General Plan, and comply with State and Federal Law.

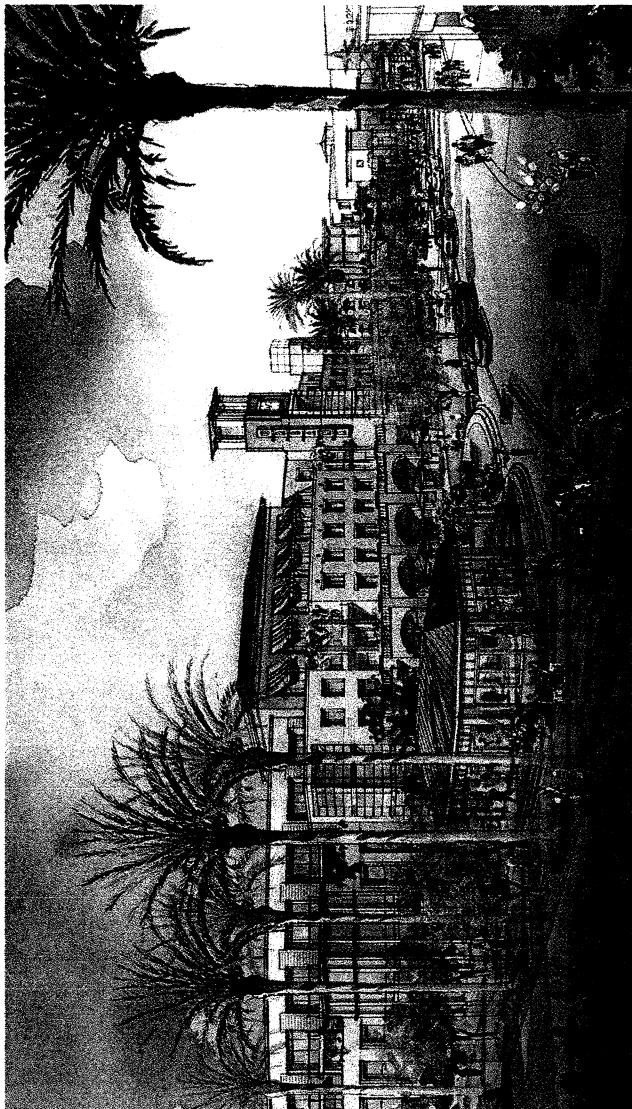
2.8 SPECIFIC PLAN AMENDMENTS

Specific Plan Amendments, other than a Minor Modification as previously described (Section 2.0), shall be made through the Zoning Text Amendment process; subject to consideration and approval of the Planning Commission and City Council in accordance with the provisions of the Huntington Beach Zoning and Subdivision Ordinance. Such Amendments may include changes to the Development Concept, Design Guidelines policies and the introduction of alternative Development Regulations.

2.9 SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this title, or any future amendments or additions hereto, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title, or any future amendments or additions hereto. The City hereby declares that it would have adopted these titles and each sentence, subsection, clause, phrase, or portion or any future amendments or additions thereto, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions or any future amendments or additions thereto may be declared invalid or unconstitutional.

DEVELOPMENT CONCEPT



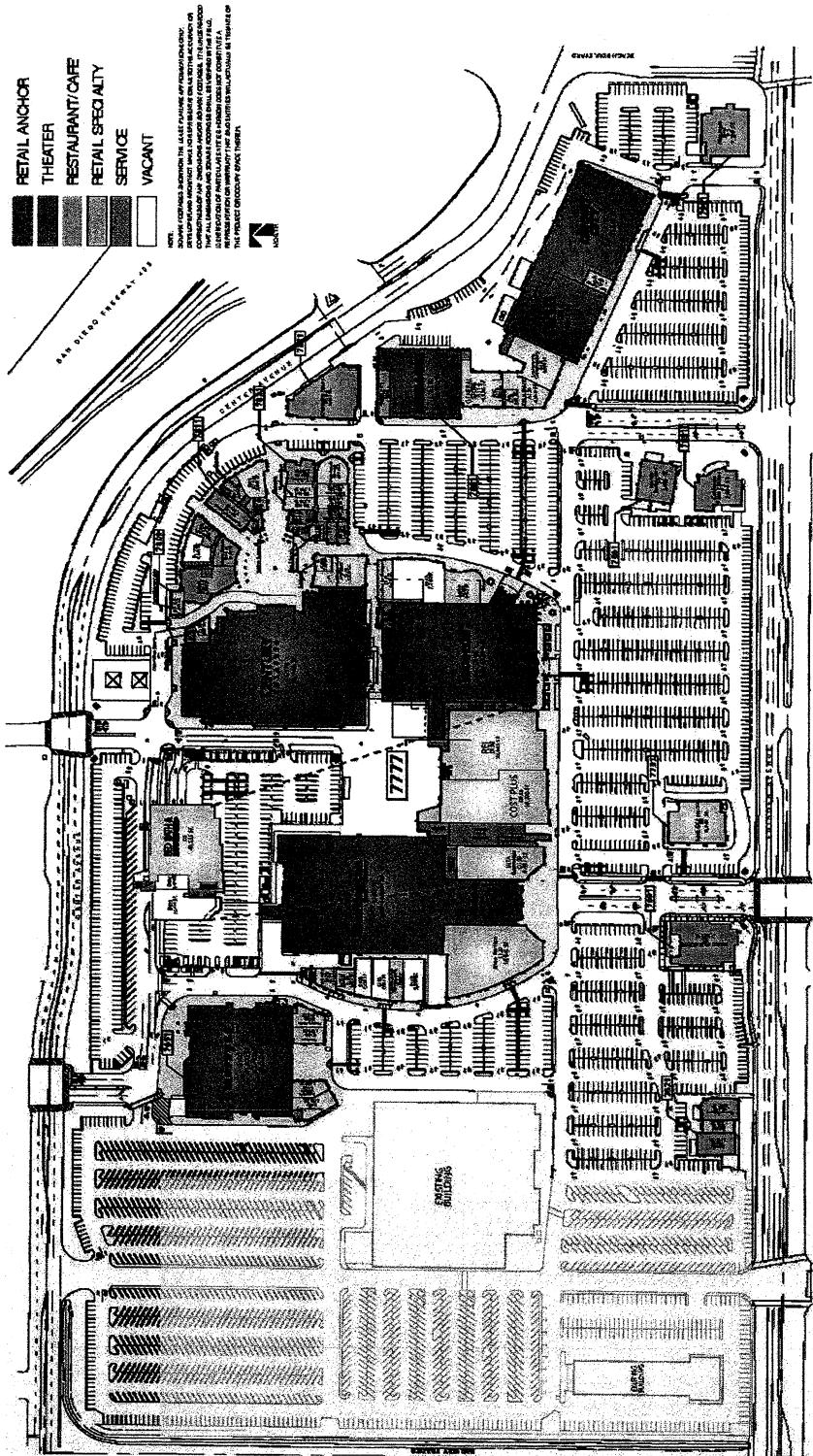
Section Three

Illustrative Conceptual Master Plan

The Crossings at Huntington Beach Bella Terra Specific Plan

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August 7, 2000 - October 14, 2008



DIV CAPITAL PARTNERS INC.
HUNTINGTON BEACH, CALIFORNIA
BELLA TERRA ASSOCIATES, LLC

HUNTINGTON BEACH
BELLATERRA

BELLA TERRA
HUNTINGTON BEACH

SITE PLAN EXHIBIT
FIRZON

FIRZON
EXHIBIT

Bella Terra Area A

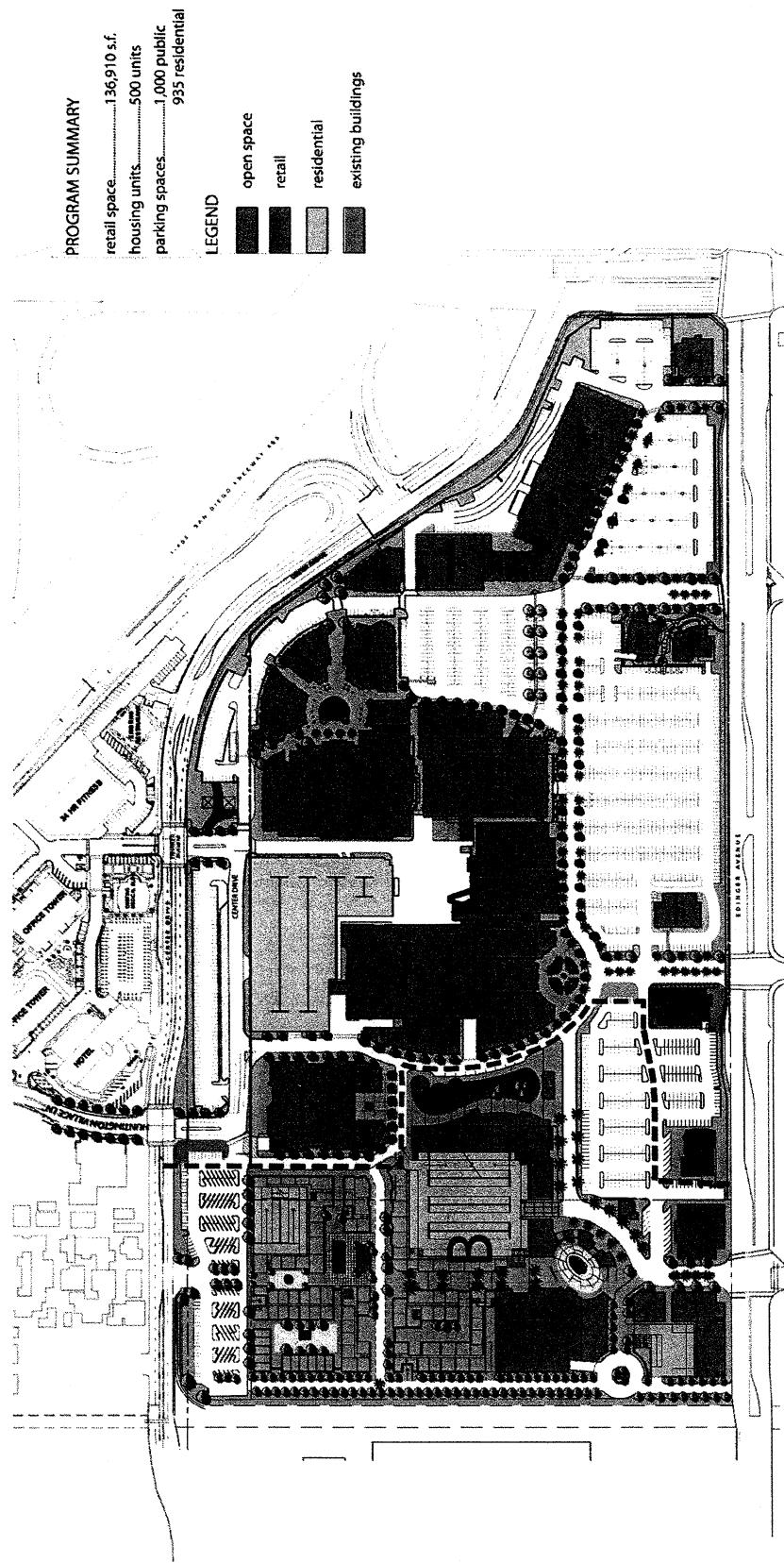
Exhibit 3A

current conditions as of 1/17/2007

The Crossings at Huntington Beach Bella Terra Specific Plan

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**Bella Terra Area A & B
Exhibit 3B**

Note: This illustrative shows existing development on Area A and a hypothetical development scenario on Area B

The Crossings at Huntington Beach Bella Terra Specific Plan

DEVELOPMENT CONCEPT

3.0 GENERAL DEVELOPMENT PLAN

The Crossings at Huntington BeachBella Terra Specific Plan development concept provides for a planned commercial retail, dining, and entertainment, business, office and mixed-use high density residential complex in the northern portion of the City of Huntington Beach. The Specific Plan establishes the general type, location, architectural style and character of all development within the site's boundaries, while allowing for creative design ideas on individual projects consistent with an overall concept.

The Crossings at Huntington Beach-The-Bella Terra will be a 63 acre master planned regional mixed-use high density residential, commercial retail, dining, and entertainment facility with supporting services (including business and office uses). The Specific Plan is designed to allow for development in a manner that is compatible with the surrounding community and City of Huntington Beach. The Crossings at Huntington Beach-The Bella Terra Specific Plan provides an opportunity for a variety of quality regional serving commercial and mixed-use high density residential uses, consistent with the City's General Plan.

The Crossings at Huntington Beach-The Bella Terra Specific Plan provides the framework and guidelines necessary to create a unique, high quality, visitor serving, mixed-use high density residential, commercial, dining, and entertainment complex. The site's proximity to regional transportation systems make the area ideal for a variety of compatible uses and activities. The development concept is designed in concert with the area's history of commercial activities and the community's need for a strong self-sufficient economy.

The Crossings at Huntington BeachBella Terra provides for a range of employment opportunities in professional, retail, service, food service, and entertainment; and will broaden the employment base of the community. Bella Terra will also expand the housing opportunity in Northern Huntington Beach. The Specific Plan establishes a clear development concept to assure the facilitation of a cohesive mixed-use regional shopping center. Design measures encompassing site planning, area landscaping, building architecture, streetscapes, pedestrian linkages, setbacks and signage have been established. Adherence to these details and to the established Design Guidelines will create a unique and integrated development.

The illustrative conceptual master plan Exhibit 3A represent (Exhibit 3A) represents the current conditions of the project site (Area A). The illustrative conceptual master plan (Exhibit 3B) depicts an Area B scenarios utilizing the various guidelines described in the Specific Plan. The plans provide potential layouts identifying building orientation and placement, parking design and access, roadway configuration, entryways and landscaping. The plans are not intended to reflect an ultimate design situation because a large variety of other

The Crossings at Huntington BeachBella Terra Specific Plan

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development patterns and activities may evolve which are also consistent with the Specific Plan policies, guidelines and regulations.

The Specific Plan recognizes that although the majority of the construction of the project will occur at one time, the ultimate build out of the property may not occur immediately. In fact, building pads may be established without associated building construction but shall be landscaped in a park-like setting until such time as development is proposed. Therefore, this zoning document anticipates future expansions of the development site. In order to address this concern, flexibility has been incorporated into the Specific Plan Development Regulations (Section Four). This flexibility in development guidelines is intended to accommodate future market trends and tenant needs, without sacrificing the intended high-quality character of the project area.

The objective of the Specific Plan is to implement the goals and policies of the Huntington Beach General Plan by defining the physical development of the Bella Terra site. Included in this approach are the establishment of land use, circulation, infrastructure, landscape and architectural design characteristics for the project area. The Specific Plan consists of a number of major components which will guide the development process including the Circulation Plan, Design Guidelines, and Development Regulations.

Any reuse, subdivision, or new development shall be subject to the provisions of the Specific Plan. Refer to Section 2.3 Site Plan Review.

The Specific Plan identifies and requires sufficient infrastructure and public facilities to adequately and efficiently support any and all anticipated uses and activities. These improvements will coincide with any upcoming development project. This upfront effort will allow for buildout of the Specific Plan in an expedited manner, subject to compliance with the Specific Plan and the Environmental Analysis.

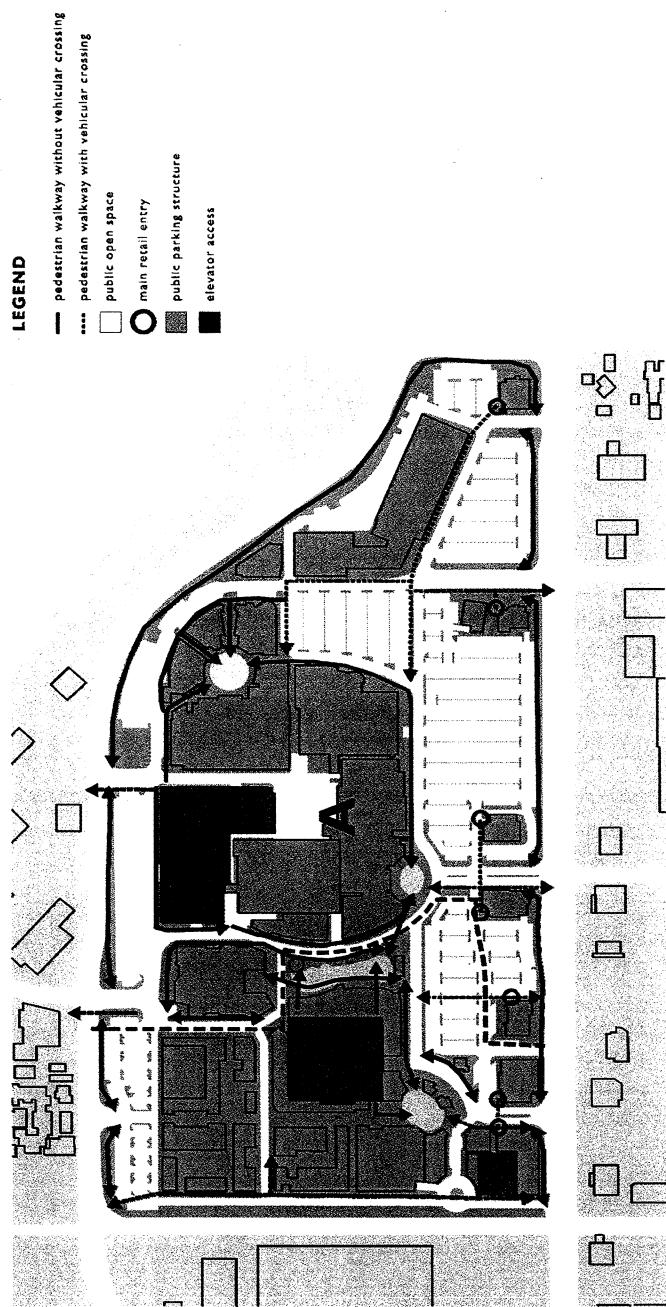
The Crossings at Huntington Beach Bella Terra Specific Plan identifies effective land planning and design regulations techniques in a flexible format which can take advantage of ideas and opportunities presented by future tenants and users.

3.4

REGIONAL COMMERCIAL USES

The Crossings at Huntington BeachBella Terra Specific Plan recognizes unique development opportunities within the project area. The purpose of the Specific Plan is to create a distinct cluster of activities and allow for individual project development and tenant occupancy to occur in a timely manner, within an overall Master Plan Concept. This approach recognizes development patterns, market conditions and establishes sufficient flexibility to provide for the opportunity of a variety of activities within the Specific Plan area.

The City of Huntington Beach General Plan identifies typical permitted uses under the Commercial Regional/Mixed-Use land use category. These uses include, but are not limited to, anchor department stores, outlet stores, promotional (“big box”) retail, retail commercial, restaurants, entertainment, professional offices, financial institutions, ~~and~~^{high density residential} development, and other similar regional-serving uses and development. However, regional commercial/mixed-use uses do not include some commercial businesses, such as auto repair, which is typically a local serving commercial use. Future activities for the area will depend on market conditions and may include a variety of activities consistent with the City’s General Plan. These development activities may be either an expansion of existing facilities and/or independent new projects. The total Area A project area can accommodate a total development of ~~1,100,640~~ approximately 1,045,440 square feet of regional commercial uses. Area B Option 1 can accommodate a maximum total building area FAR of 1.75; commercial FAR of 0.2 and 45 du/acre. Area B Option 2 can accommodate a maximum total building area FAR of 1.75; commercial FAR of 0.6, and 34 du/acre.



| | | |
|----------------------------------|----------------------------------|----------|
| BELLA TERRA Huntington Beach, CA | Pedestrian Plaza / Walkways Plan | 4 |
| September 19, 2008 | | |

Pedestrian Plaza / Walkways Plan Exhibit 4

The Crossings at Huntington Beach **Bella Terra** Specific Plan

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REGIONAL COMMERCIAL USE POLICIES:

3.1.1 Any expansion beyond the initial site plan approval, shall be through the site plan review process (see section 2.5).

3.1.2 Retail, dining, entertainment and related uses drawing from a regional commercial/market area shall be the primary intended activity within the project area.

3.21 PEDESTRIAN PLAZA AND WALKWAYS

The Grossings at Huntington BeachBella Terra Master Plan identifies open space areas which can accommodate outdoor commercial activities, seasonal recreation and entertainment activities, and casual pedestrian meeting places, including residential outdoor community space. These pedestrian plazas become the central focus of a number of commercial nodes within the project area. In addition to the major plaza areas, there are a number of entry nodes which serve as the interfacing links between the vehicular and the pedestrian areas.

The clustering of open space plazas are connected through pedestrian walkways. These walkways also serve as a link between the variety of VillageBella Terra, commercial and residential facilities, and the Fatty Plaza Amphitheater, Butterfly Court, Piazza, the Village Strada, the Plaza and the ColemanmadeGreen, Residential Community, and the Community Common Areas. A pedestrian walkway system is also used to connect the Grossings at Huntington BeachBella Terra with public transportation facilities and surrounding network of public streets (see Exhibit 4A and 4B).

PEDESTRIAN PLAZA AND WALKWAYS POLICIES:

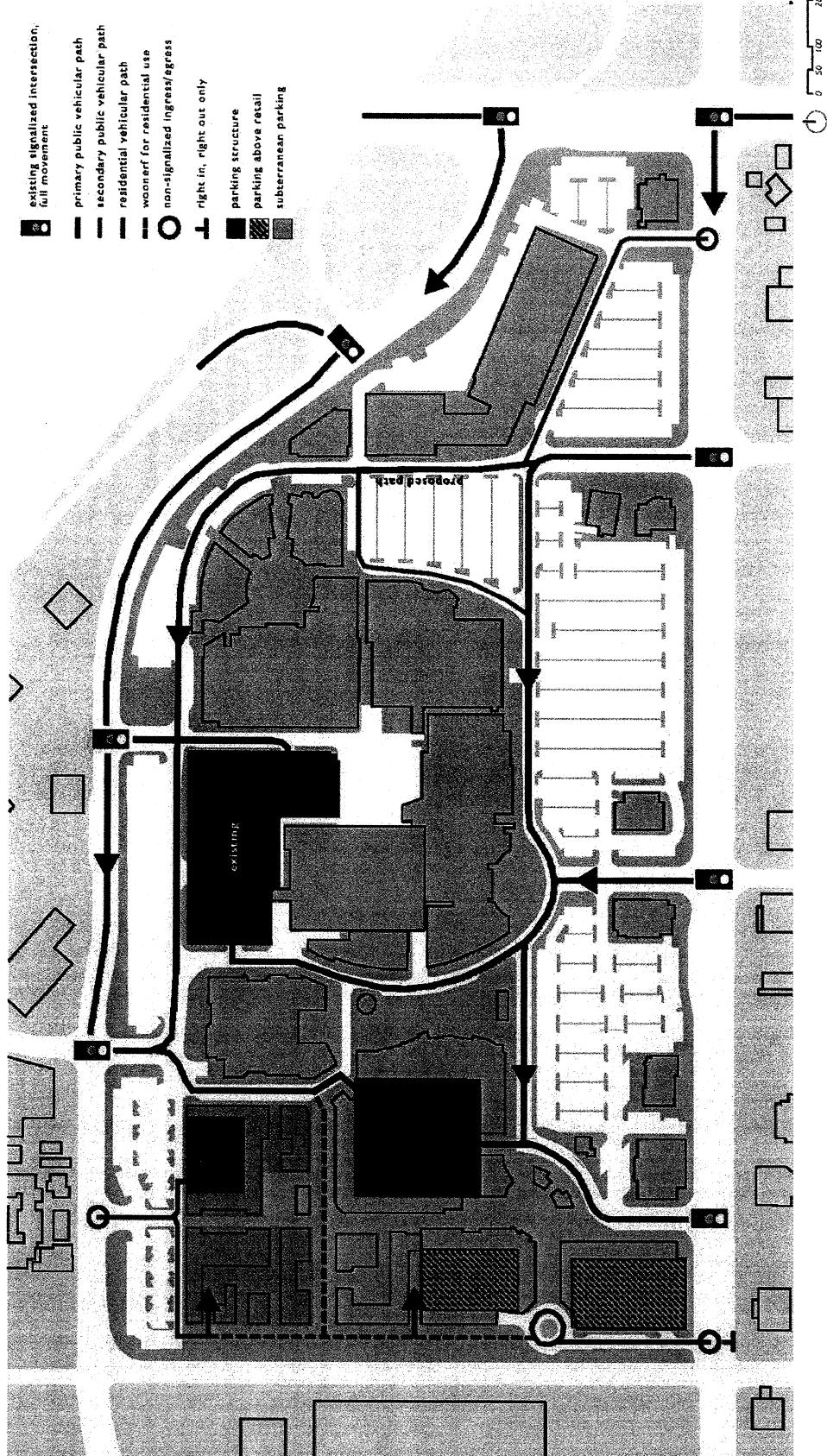
3.21.1 Individual developments and activity areas within the specific plan area shall be linked through a series of pedestrian walkways which culminate in an interconnected system of pedestrian plazas creating a variety of open spaces. The pedestrian walkway system shall also link or connect future development to adjacent properties at the northwest and southwest corners of Area B.

3.21.2 A pedestrian walkway system will link or connect all future development pads to the central portion of the Grossings at Huntington BeachBella Terra.

3.21.3 All pedestrian walkways shall be designed and landscaped consistent with the overall theme of the Grossings at Huntington BeachBella Terra.
The Crossings at Huntington BeachBella Terra Specific Plan

3.21.4 Pedestrian walkways as are shown, for conceptual purposes only, on Exhibit 4A and 4B Pathways shall be incorporated on the Landscape and Technical Site Plans and shall comply with American Disabilities Act requirements. The walkways shall include shade trees, seating ~~every~~ at approximate intervals of 200 feet, decorative pavers, and lighting (see cross section on page 34).

3.1.5 As a supplement to an on-site pedestrian walkway system, potential future pedestrian access such as an at-grade crossing or an above-ground crossing shall be pursued, if feasible, across the existing rail line on the western boundary of the site.



Conceptual Circulation Plan
Exhibit 5

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3.32 CIRCULATION PLAN

The Circulation Plan illustrates the major and minor driveway entrances to the site, signalized intersections, bus stops and bus pads supporting the development and surrounding areas, and the public street system within the Specific Plan boundaries. The Circulation Plan is consistent with the Huntington Beach General Plan's Circulation Element and the Edinger Avenue Precise Plan of Street Alignment.

Primary access to the City of Huntington Beach and ~~The Crossings at Huntington Beach~~**Bella Terra** is provided by Interstate 405 (San Diego Freeway). The City's General Plan designates the intersection of Beach Boulevard and Edinger Avenue as an internal node and a primary entry node to the City. Access to the project site is provided by a system of arterial highways including:

- Beach Boulevard, a north-south principal arterial street (120 foot right-of-way), designated as a state highway, a primary path/image corridor, major urban scenic corridor, and transit service route.
- Edinger Avenue, an east-west major arterial street (120 foot right-of-way), designated as a truck route, primary path/image corridor, and minor urban scenic corridor and transit service route.
- Center Avenue, an east-west secondary arterial street (80 foot right-of-way), designated as a transit service route.

Internal circulation is currently provided by a network of private drives/streets serving as access to individual portions of the project area. Circulation is further enhanced by a number of signalized entry drives and public transportation facilities (Exhibit 5A ~~and~~ 5B).

The circulation plan relies on a hierarchy of circulation features ranging from major arterials to local streets. The system is designed to accommodate customer, employee, and delivery traffic to and around the project area while discouraging through traffic from bisecting the project site.

A traffic study ~~shall be required~~ has been conducted to analyze on-site and off-site circulation patterns and necessary improvements.

Alternative forms of transportation should also receive careful consideration. The current OCTA bus route passes the project area on Edinger Avenue and Center Avenue. The project Circulation Plan identifies existing and proposed bus turnout locations along Edinger Avenue and Center Avenue. As a supplement to vehicular access to the project area, potential future access such as a light rail system and stop shall be pursued if available, from the existing rail line on the western boundary of the site.

In addition, the Development Concept encourages the creation of a pedestrian walkway system. As a means of achieving a strong landscape image, pedestrian walkways are required and shall be provided throughout the development to facilitate pedestrian access from adjacent developments to the project site. The pedestrian walkway system shall include walkways around the perimeter of the site in the street right-of-way.

CIRCULATION PLAN POLICIES:

3.32.1 Primary access to the project area shall be from the existing signalized intersections along Edinger Avenue and Center Avenue. New access locations into the project area shall occur only where traffic patterns and median openings allow, subject to review and approval of the Directors of Public Works and Planning and the Fire Chief.

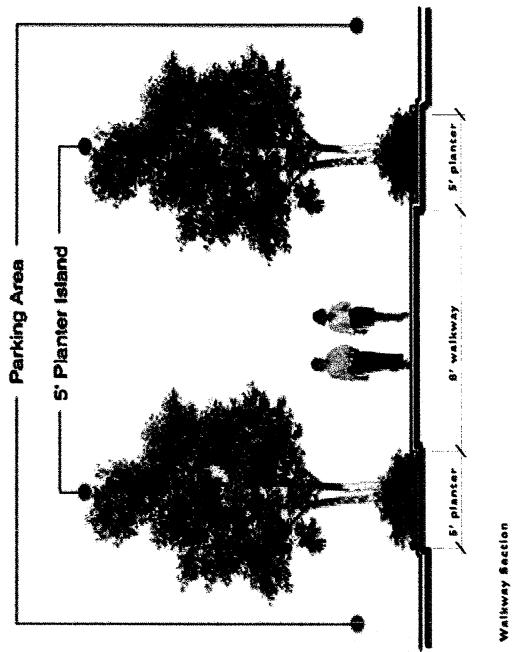
3.32.2 A new primary access into the project shall be pursued where the San Diego Freeway on and off ramps intersect with Center Avenue, subject to Cal-Trans, Department of Highways approval and approval of the Directors of Public Works and Planning and the Fire Chief.

3.32.3 Additional new driveway access points from the street system adjacent to the project area shall be limited and allowed only when the project size, location or type of use warrants such access, subject to review and approval of the Director of Public Works and Fire Chief. No new driveways along Edinger Avenue or Beach Boulevard will be permitted.

3.32.4 Deceleration and acceleration lanes for driveway access points may be required, depending on the location of the proposed access point.

3.32.5 Shared access facilities and reciprocal vehicular access to and between individual on-site activities may be requested and/or required by the Director of Planning for adjacent uses and parcels.

3.32.6 Alternative transportation forms such as a light rail stop shall be coordinated with Orange County Transportation Authority and pursued by the ~~Crossings at Huntington Beach Bella Terra~~ should a light rail urban transit system be developed in the future. Existing bus stops shall be relocated as needed to conform to pedestrian patterns. New bus turnouts are planned along Edinger Avenue and a new bus stop along Center Avenue.



| BELLA TERRA Huntington Beach, CA | Walkway Section | August 29, 2008 | 10 |
|----------------------------------|-----------------|-----------------|----|
|----------------------------------|-----------------|-----------------|----|

3.32.7 Pedestrian sidewalks shall be incorporated into the project as a component of the landscape plan. Sidewalks shall be installed throughout the development to facilitate pedestrian access from adjacent developments to the project site. The pedestrian walkway system shall include walkways around the perimeter of the site in the street right-of-way and through the parking lot to the project area.

3.32.8 Public landscape areas within the right-of-ways shall require a separate Parkway Landscape Maintenance Agreement for continued maintenance of the area.

3.32.9 A traffic impact analysis/traffic signal warrant analysis shall be required for Area A, in association with a development proposal for the site. Future traffic impact analyses may be required due to unanticipated project developments not previously analyzed for Area A. All traffic studies shall be subject to review and approval by the Directors of Planning and Public Works. A traffic study has been prepared as part of the EIR for the Specific Plan Amendment and concurrent General Plan Amendment in 2008.

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3.32.10 Circulation system improvements will be have been master planned to accommodate ultimate buildout of the Specific Plan. However, since the majority of the project is anticipated to be constructed during the initial development stage, all on-site and off-site circulation improvements shall be completed prior to the first occupancy request. Future expansions permitted under the Specific Plan may generate additional circulation improvements as determined by future traffic impact analyses in the manner required by the EIR Mitigation Monitoring and Reporting Program, or any subsequent environmental analysis.

3.32.11 A Delivery and Fire Truck circulation plan, depicting on site access routes and maneuverability, shall be subject to review and approval by the Director of Public Works and the Fire Chief, in association with a development proposal for the site.

3.43 PUBLIC FACILITIES

The Public Facilities section discusses infrastructure, storm drain, sewer, and water facility improvements necessary to serve development within the Specific Plan area.

PUBLIC FACILITIES POLICY:

All public facilities infrastructure necessary to serve development within the specific plan area shall be completed concurrent with initial project development, subject to review and approval of the Director of Public Works.

3.43.1 WATER SYSTEM

Domestic water for the property will be provided by the Public Works Water Division of the City of Huntington Beach.

The Water Division has use of both underground and imported water sources to service the area. The underground supply comes from nine existing wells, and imported water is delivered to the City of Huntington Beach by the Metropolitan Water District (MWD) at three locations. The Specific Plan area is part of the City's Master Plan for Water Service and the ultimate development anticipated will be adequately served by the City's existing systems.

MWD is the major wholesale water purveyor to the City of Huntington Beach which, in turn, is the retail provider to all water users in the City, including the subject property.

The existing center has a looped water system. Water is delivered to the site by the City of Huntington Beach's 12-inch line located in Edinger Avenue, and 8" to 10" and a 12-inch water main on Beach Boulevard.

The proposed modifications to the center will require that a portion of the looped system be reconstructed. The required hydrant flow for fire sprinklers is 4,000 gallons per minute (gpm) at 20 pounds per square inch (psi). The existing and proposed upgraded fire hydrant systems will be required to comply with this standard.

Proposed architectural site changes will be reviewed by the Fire Department for code compliance and may require additional fire hydrant installation. These hydrants (if any) will be connected to the existing or proposed water line loop. The number of hydrants on the system is not relevant to the flow delivered and, therefore, does not affect the system. The required fire suppression sprinkler flow rate is approximately 2,500 gpm. The existing and proposed fire sprinkler systems will be required to meet this standard. It is not anticipated that the proposed modifications to ~~the Crossings at Huntington Beach~~Bella Terra will require water flow for fire protection above that which the existing system can deliver.

All on-site water improvements will be designed to the City of Huntington Beach water standards. Water system improvements from the public right-of-way to the on-site meter shall be designed for future City acceptance and maintenance. Locations of fire hydrants and apparatuses will be reviewed by the Fire Department and Water Division of the City of Huntington Beach to ensure adequate fire flow and pressure. A final design analysis will be performed during the site engineering stage to properly size the system, determine final alignments, and determine if additional water improvements are necessary. Construction of the redesigned water system shall be completed prior to first occupancy.

3.43.2 SEWER SYSTEM

The City of Huntington Beach is responsible for the review and approval of the collection of wastewater within the project area. The Orange County Sanitation District (OCSD) is responsible for the treatment of wastewater. The City system ultimately is collected by the Sanitation District via their trunk lines to convey sewage to District Plant #5, located in Fountain Valley, and District Plant #2 in Huntington Beach.

Sewage from the subject property is collected via a private on-site collection system with a singular outfall point at the southwest corner of the site through an existing 10" sewer main, which connects to an existing 10" sewer main in Edinger. The 10" sewer in Edinger connects to a ~~A~~ 69 inch sanitation district trunk line that runs beneath the concrete channel located along the west property line. The existing 10" lateral may be upsized and the main line in Edinger Avenue shall be upsized to a 12" line to accommodate the project.

~~An~~ The existing on-site private system consists of a series of 4, 6, 8, and 10-inch lines collecting into one 10-inch ~~line~~ lateral, which is proposed to connect with connected to an existing City line, which then connects the to the county system referenced above.

Due to the reconfiguration of the development, it will be necessary to remove or abandon-in-place several sanitary sewer lines and replace them.

The existing 10-inch sanitary sewer ~~line~~ lateral exiting the site is ~~adequately~~ may be upsized to carry the anticipated flows from the reconstructed center. However, A final design analysis will be performed during the site engineering stage to properly size the system, determine final alignments, and determine if additional sewer improvements are necessary. Construction of new sewer lines shall be completed prior to first occupancy.

3.43.3 STORM DRAINAGE

The City of Huntington Beach and the Orange County Flood Control District are the agencies responsible for the flood control system in the project vicinity. A ~~regional~~ local public-flood control channel (Murdy Channel) exists along the western boundary of the site.

The existing drainage system consists of two main lines, "A" and "B". Secondary line "C" drains a small area westerly of the existing Montgomery Ward store in addition to secondary line "D", and numerous connecting laterals. All lines drain westerly into a City of Huntington Beach Flood Control Channel (Huntington Beach Storm Channel C5-5C2). Drainage area boundaries have been identified based on existing inlets and catch basins.

There is a small drainage area located at the northerly perimeter of the ~~Crossings at Huntington Beach Bella Terra~~ which drains into surface inlets a small basin located in the northwest corner of the site.

Hydraulic calculations performed on the existing storm drain system revealed that ponding in a 100 year event will be as follows: average depths of 1 foot-.

The storm drainage discharge rates from the remodeled ~~Crossings at Huntington Beach Bella Terra~~ will remain similar with the exception of the discharge from the enclosed shopping area. This area will now become ~~a~~ residential and open air shopping complex. Although the area of impervious surface will be the same or less than the existing area, the storm runoff from the property may increase from the existing runoff due to changes in onsite attenuation. Therefore, ~~D~~rainage areas ~~will~~ may be redistributed to reduce surface ponding throughout the site and may include water storage in underground pipes and storage retention systems. As a result, no ponding will occur at any point on site during a 100 year event.

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~~The existing detention pond will be removed and be regarded as an additional parking area. There will be a~~
~~may be a need to add various new lines to drain the open air section of the Crossings at Huntington Beach~~
~~Terra. However, final design analysis will be performed during the site engineering stage to properly size the~~
~~system, determine final alignments, and determine if additional storm drain improvements are necessary.~~

Construction of storm drainage improvements shall be completed prior to first occupancy.

3.43.4 WATER QUALITY

Water quality in California is regulated by the U.S. Environmental Protection Agency's (EPA) National Pollution Discharge Elimination System (NPDES), which controls the discharge of pollutants to water bodies from point and non-point sources. A NPDES permit or other EPA review will be required for individual construction projects.

Prior to issuance of any grading permit or demolition permit (including removal of any hazardous materials such as, asbestos) the developer shall submit a "Notice of Intent" (NOI), a Storm Water Pollution Prevention Plan (SWPPP), and any required fees to the State Water Resources Control Board. These documents shall be filed under the terms covered by the State NPDES General Construction permit. The SWPPP shall be on file with the Public Works Department prior to any demolition or removal of hazardous materials.

Through the NPDES Permit process, the City currently requires contributors to non-point runoff pollution to establish Best Management Practices (BMP's) to minimize the potential for pollution. Under this program, the developer is responsible for identification and implementation of a program of BMP's which can include special scheduling of project activities, prohibitions of certain practices, establishment of certain maintenance procedures, and other management practices to prevent or reduce the pollution of downstream waters. Typical elements of such a BMP program would include addressing the use of oil and grease traps, detention basins, vegetation filter strips, and other common techniques in order to preclude discharge of pollutants into local storm drains and channels.

Post Construction BMP's will be identified with a Water Quality Management Plan (WQMP) The WQMP will also address continued maintenance requirements. The continued maintenance will be performed by the home owners association, property owner, and/or property management company.

3.4.3.5 UTILITIES

There are several public utility service providers in the Specific Plan area. Adequate facilities exist for the current service needs of the area, however, additional facilities may be required as additional development occurs.

3.4.3.6 ELECTRICITY

Electrical service to the area is provided by the Southern California Edison Company. Existing transmission and distribution lines are adequate to service current and potential future needs. Any new or existing overhead utilities (excluding 66kv) shall be undergrounded per the City's undergrounding ordinance (Chapter 17.64 HBMC).

3.4.3.7 NATURAL GAS

Natural gas service in the Specific Plan area is provided by the Southern California Gas Company. Adequate facilities exist for current and projected future needs. Relocation of existing facilities shall be concurrent with project development.

3.4.3.8 COMMUNICATIONS

Telephone service in the Specific Plan area is provided by General Telephone (GTE). Relocation of existing facilities and new installation shall be concurrent with project development. Provisions for fiber optic communications shall also be included in the overall site planning for the project area and shall be provided prior to the first occupancy request.

Cable television service within Huntington Beach is provided by Time Warner Communications. Installation of new services shall be concurrent with project development.

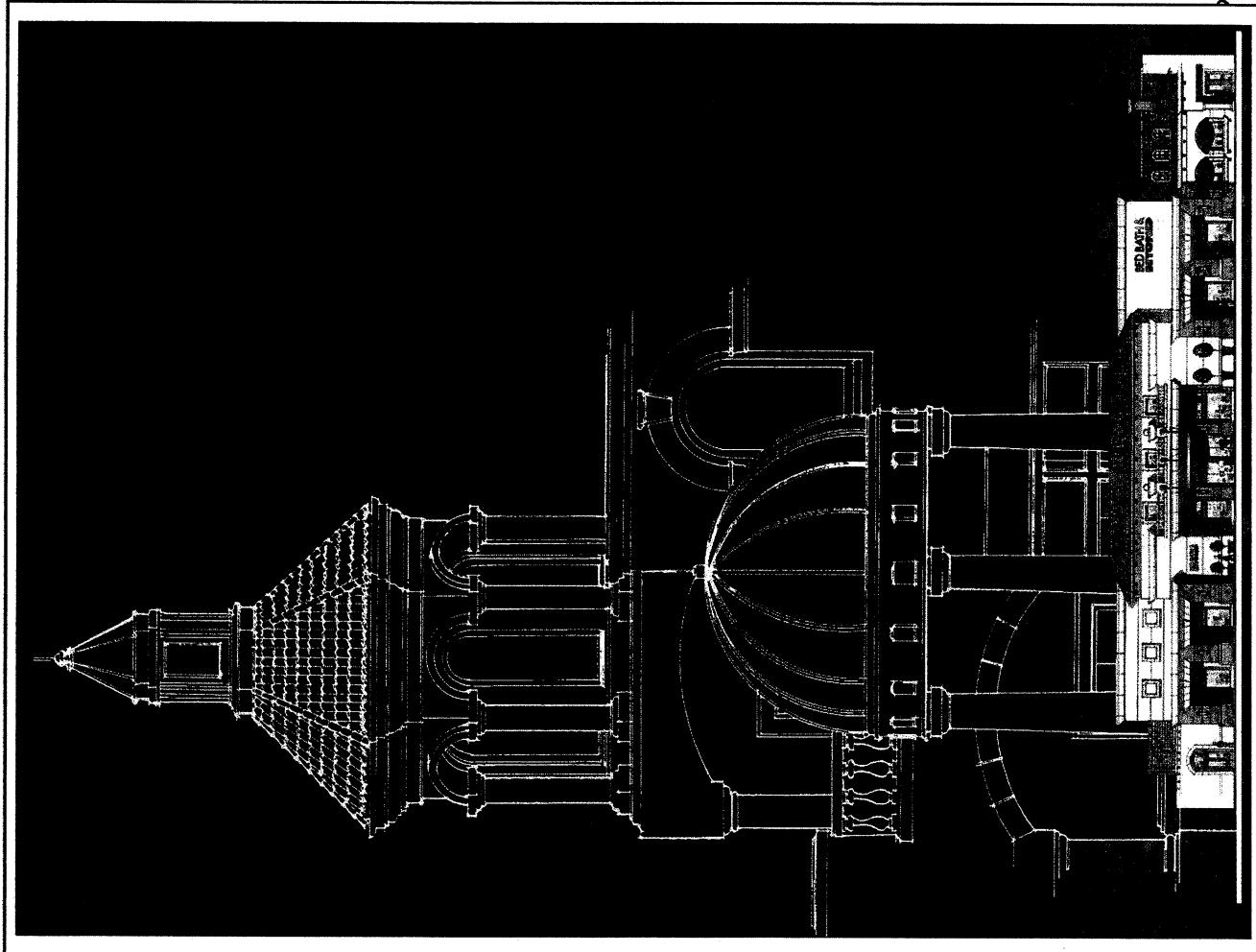
3.4.3.9 3.4.8 SOLID WASTE DISPOSAL

Rainbow Disposal Company currently provides solid waste disposal services for the area. Based on service projections and anticipated demand increase, an adequate level of service will be maintained. No solid waste disposal facilities are planned to be located in the Specific Plan area.

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ATTACHMENT NO. t.43

Design Guidelines

3.54.1 PROJECT AREA CHARACTER

The project character and theme for the Crossings at Huntington Beach is that of the Italian Village.
~~Hillside Villages derive their character and classic charm from the ancient Roman and Greek architecture that was infused during the initial construction of these villages. As Bella Terra is that of a village built over time and comprised of a variety of complementary styles. These styles start with a southern European and Mediterranean influenced village which matches our climate and lifestyle. Then as the years and centuries passed on, additional construction and reconstruction occurred in these villages, adding even a more layered a “built over time” architectural identity. The styles of Classical, Neo-Classical, Baroque, Renaissance, Andalusian, Provence and even Modern, Art Deco and Post-Medieval Designs Mid-century modern influenced these villages over time. It is the intent to utilize this montage of designs to tastefully develop a specific vernacular of architecture that best represents that of an Italian Village, “built over time” southern European and Mediterranean village.~~

The Design Guidelines establish the character and style for the development of this residential, retail, dining and entertainment complex with buildings and landscapes that have a distinctive visual identity. The Guidelines accommodate individual project identities and promote interrelationships between complementary building storefronts and exterior spaces. The major elements of the Design Guidelines include: site planning, overall project/tenant architecture, exterior pedestrian amenities, landscaping, and signage. All development projects within the Specific Plan area shall conform to the Design Guidelines and shall incorporate appropriate theme elements.

The Design Guidelines shall be used by the Crossings at Huntington Beach Bella Terra owner and the City of Huntington Beach as part of the Site Plan Review process. The Design Guidelines are general and may be interpreted with some flexibility in their application to specific projects. Variations may be considered for projects with special design characteristics that still meet the objectives of the Guidelines.

The Design Guidelines shall be used to promote a high level of design quality while at the same time provide some flexibility, necessary to encourage creativity on the part of individual /tenant designers. The Design Guidelines have been prepared to articulate the intended development standards of the Specific Plan. The Guidelines establish a framework for developers/designers of individual projects and design criteria, which the City will use to evaluate proposed developments.

3.54.2 SITE PLANNING GUIDELINES

The positive shopping experience begins at landscaped entrances to the site, which lead to convenient and ample parking. The center's open-air spaces of plazas, courtyards and passageways will be arranged in a non-linear pattern. Attention to lighting and low level landscaping shall be given along non-linear passageways and pedestrian walkways to allow pedestrians to see ahead and around the walkways clearly. Additionally, the main plazas will be accented by water features. A pedestrian walkway will connect east to the existing adjacent ~~Village Retail Center~~ Bella Terra Area A. Italianate themed graphics add to the continuity of all the linked spaces. To facilitate the development of ~~The Crossings~~ at Huntington BeachBella Terra into a unique resource for the community the following site planning policies shall apply:

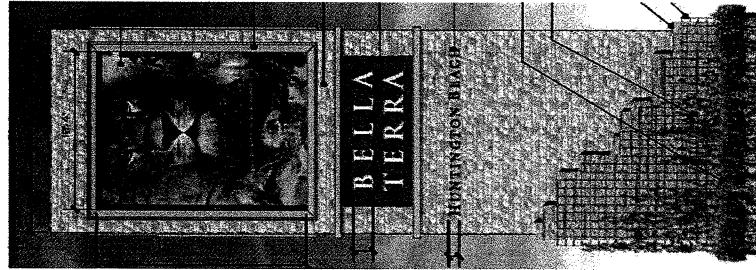
SITE PLANNING POLICIES

3.54.2.1 Site layout for the project shall be designed to route people and vehicles through the site in a clear, identifiable, efficient and effective manner by incorporating unique pedestrian walkways and highlighting main drive aisles with landscaping and specially treated paving.

3.54.2.2.A minimum of six public open space amenities shall be provided on site. Of the six total public amenities to be provided, at least two water features and two public art elements are required and shall be incorporated into the common project area. The remaining two public amenities may be located anywhere on site.

3.54.2.3 Loading and storage areas facing public streets shall be designed to resemble a facade. The facade shall include architectural details and design elements to ensure integration into the project environment and shall appear as a typical tenant storefront. Loading areas at the rear of the Village Retail center shall be updated with façade improvements and shall be screened from view from the surrounding street system.

3.54.2.4 Entry drives shall be a minimum of thirty (30) feet wide, not including landscaped medians. Landscaped medians, a minimum of four (4) feet wide, shall be incorporated into three (3) main entry drives along Edinger for a depth of 100 feet.



Potential Entry Signage

3.54.2.5 **Parking shall be** provided onsite in a manner that is convenient and compatible with the layout and design of the overall project and consistent with the standards in Exhibit 13. Satellite pad buildings are encouraged to provide a minimum setback without parking between the building and the street (see General Plan Policy 10.1.15.c).

3.54.2.6 **Security provisions**, including lighting, building entrance visibility, and drive locations, shall be carefully considered.

3.54.2.7 **Public Restroom Facilities** shall be designed to minimize the corridor distance leading to public restrooms.

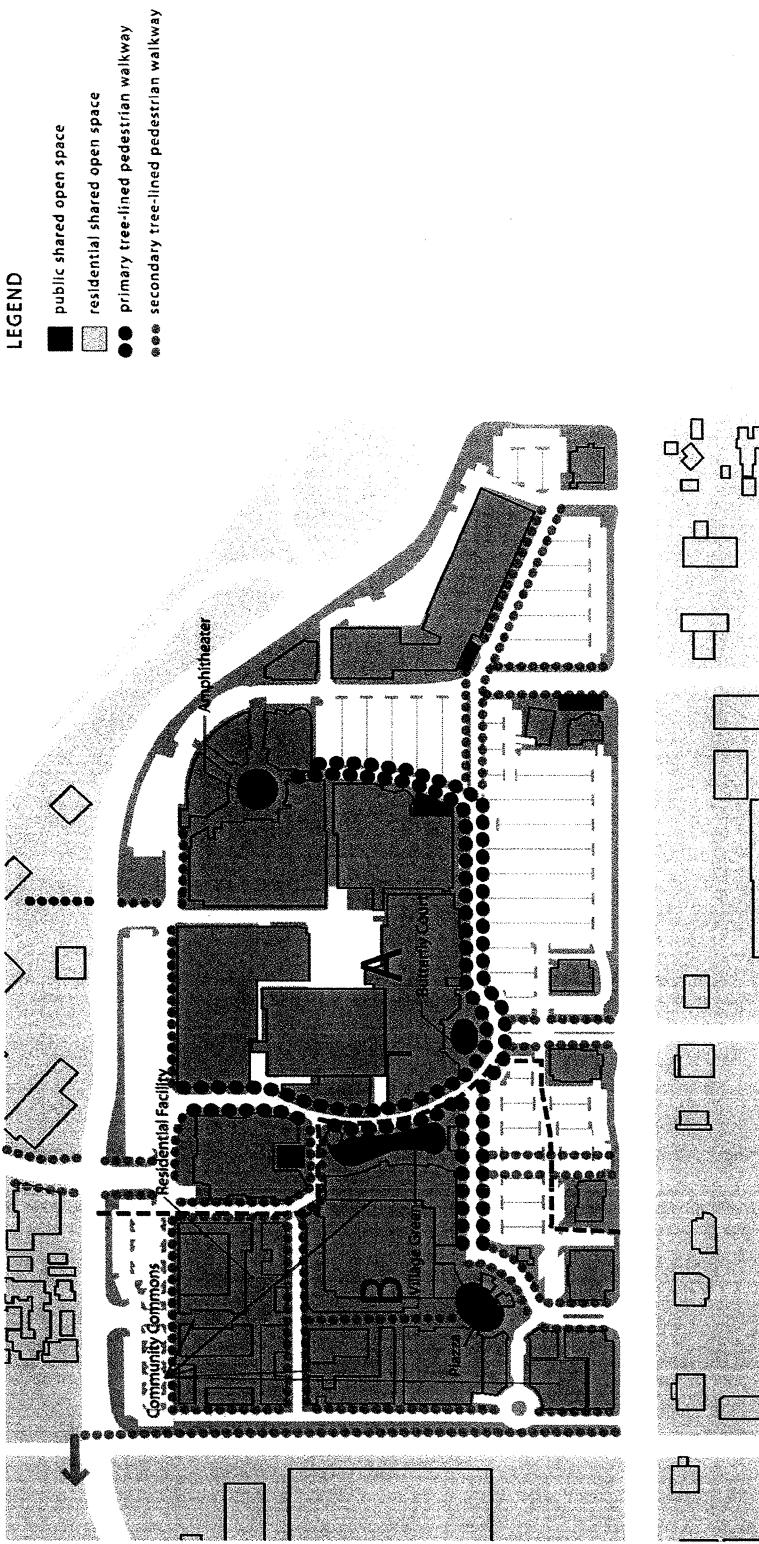
The length of the corridor from the mall exterior to the door of the restroom shall not exceed thirty (30) feet. Restrooms shall be designed utilizing a single door to enter into the facility. Stall doors shall have purse hooks installed in both men's and women's restrooms. All hallways leading to the restrooms shall have surveillance cameras installed that shall be tape recorded 24 hours a day.

3.54.3 COMMON AREA GUIDELINES

The ~~Crossings at Huntington Beach~~Bella Terra is divided into several unique spaces. The Italian Village setting will be carried out through distinctive architectural design elements including towers, domes and arches, cobblestone streets and walks, water features and site amenities that reflect the quaint and harmonious lifestyle of an Italian Village. A wide color palette with contrasting accent elements will create a lively exciting experience for visitors to ~~the Crossings at Huntington Beach~~Bella Terra. (See section 4.5.3).

*The Crossings at Huntington Beach***Bella Terra** Specific Plan

August 7, 2000–October 14, 2008



Common Area Locations

Exhibit 6

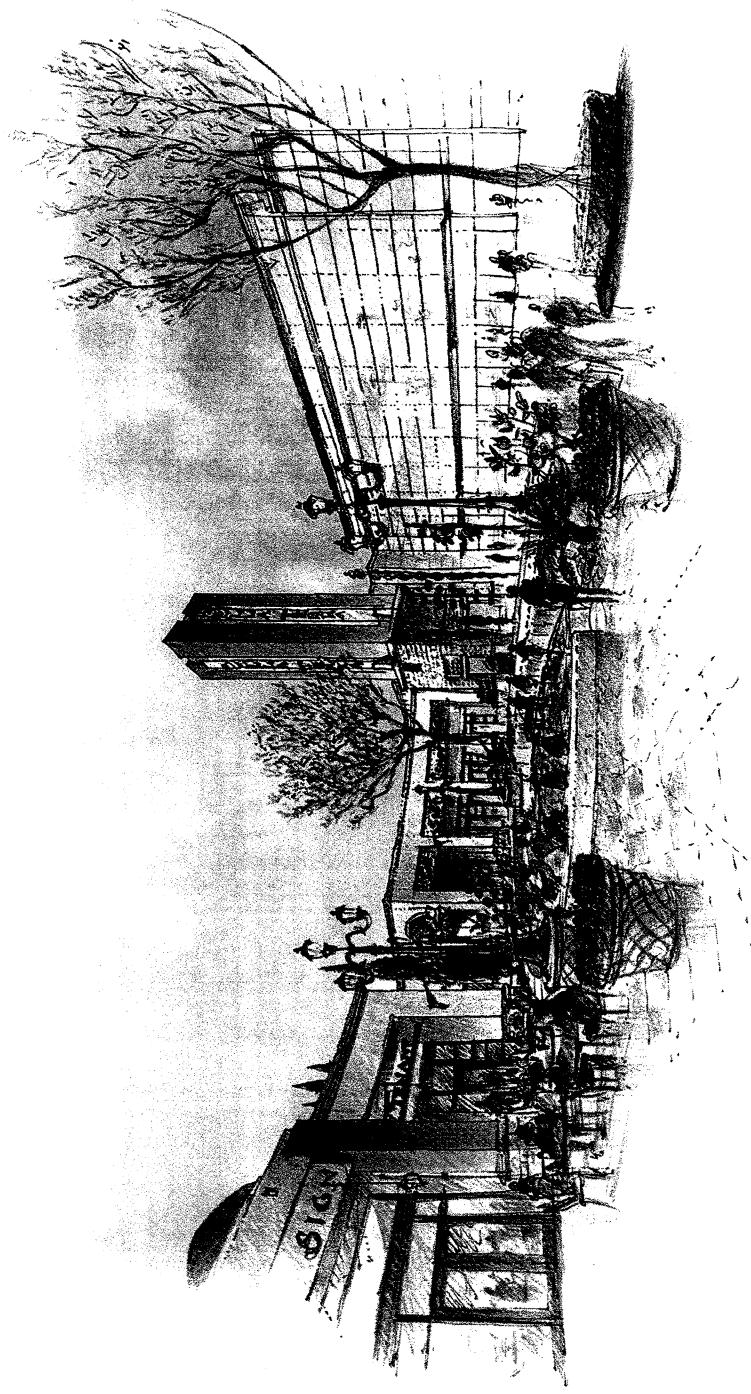
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THE AMPHITHEATER

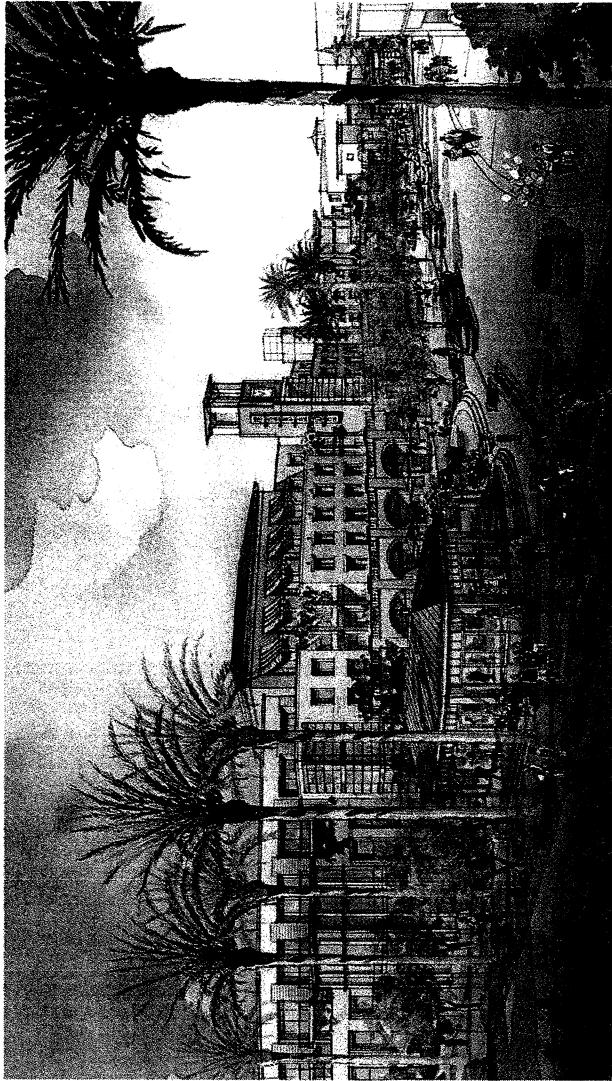
The Amphitheater is the center of the existing Village. It creates the foreground for the theater entry and is the central pedestrian access from the Strada. Accented by cobble streets, water features and the arched entry and signature tower, the Amphitheater is the hub of the Village. Major design concepts were developed by great Italian Architects such as Brunelleschi, Bramante, and Alberti that are evident in Bella Terra. The tower, arched windows, doorways, and passageways, and decorative stone windows, corner and eave moldings are prime examples of traditional Italian Architecture.



THE ENTRY PLAZA VILLAGE GREEN

Opening towards Center Street and the 405 Freeway, the Entry Plaza is the central Northern focus of The Crossings at Huntington Beach. The decorative and colorful hardscape will be The new residential over retail units will look over the Village Green. This is the largest of the exterior community gathering spaces and will serve as the primary gathering place for community and retail events. It will may contain a sculpture, fountain/water features, seating, and kiosks that are found in an Italian Village and become the entry portal to the Crossings experience. The Entry Plaza, fountain along with the surrounding building architecture will enhance the location of The Crossings at Huntington Beach both day and night with the structures and the water features washed in accent lighting. Arched doorways, decorative stone-and-stucco facades, metal and glass domed and kiosks similar to civic plazas and parks in southern Europe. And like Europe, a mixture of decorative and colorful hardscape treatments will weave through the great lawn and connect the areas for programmed events. The children's events in this area will include interactive water features, structured play areas and smaller quiet reflective areas for family groups and picnics.

This will be a place for all ages with a pedestrian shopper's lane and single story retail with four levels of residential above. The building facades will be composed of varying architectural styles that complement without contrasting with each other. These stylistic facade components will be articulated with rich materials of stone, stucco, metal and glass. The stylistic facade treatments will come to the ground and have a scale and cadence similar to the pleasant walkable environments found throughout southern Europe. The large operable windows and balconies of the residential buildings will add life and activity to the project area at times when retail activity alone would leave the area unused. Entryways, window shutters, stone window sills and eave details, highly-detailed wrought iron banisters and light fixtures, tile and flat roofs are all part of the vernacular, which shall be used in The Crossings at Huntington Beach.



THE VILLAGE STRADA

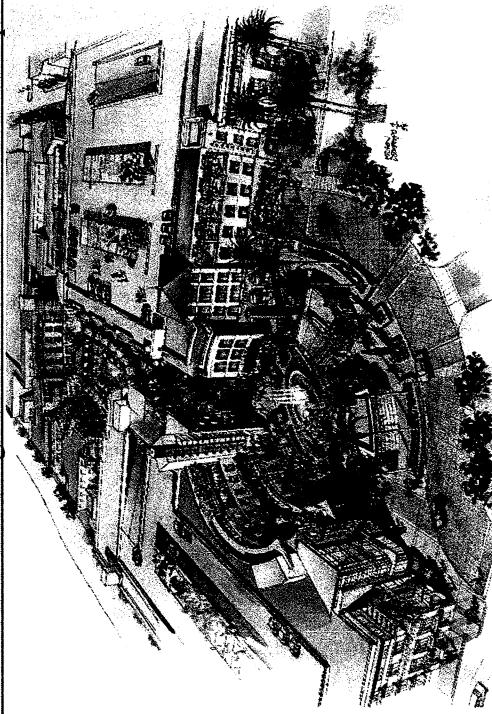
Acting as the “Main Street” of The Crossings at Huntington Beach, the Village Strada will have pockets of landscaping, outdoor dining tables, children’s play areas, and seating for a respite from a long day of shopping. The buildings will have varying architectural style, while still complementing and not contrasting with each other. The intent of the Village Strada is to insert modern uses in old buildings as is done in an authentic Italian Village.

THE PLAZA PIAZZA

The Plaza (or Town Square) is the center of the Italian Village. It creates the foreground for the theater entry and is the central pedestrian access from the Strada, and the South and North passages into the Villages. Accented by cobble streets, water features and the arched entry and dome of the theater, the Plaza is the hub of the Village. Major design concepts were developed by great Italian Architects such as Brunelleschi, Bramante, and Alberti that are evident in the Crossings at Huntington Beach. The theater dome, arched walkways, doorways, and passageways, and decorative stone windows, corner and eave moldings are prime examples of traditional Italian Architecture.

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The Piazza is another of the civic open spaces that reflects the sophistication and charm of a southern European plaza. The elliptical shape reflects the theatrical nature of Italian baroque architecture and planning. Like these historical plazas The Piazza will have enhanced paving, pedestrian amenities such as seats, benches and creative landscape embellishments. The piazza will also include freestanding retail elements such as carts or pavilions.



Shoppers, residents and visitors who enter the Area B portion of the project off Edinger Avenue, will enter into a piazza between retail and mixed use buildings. The road then gradually sweeps along the edge of the park and enters through a well proportioned portal with a canopy into a new parking structure lined with ground level retail and residential floors above.

Shoppers, residents and visitors within the site will also be drawn to this plaza as they walk or drive south on the internal “shoppers lane” that connects the first phase of Bella Terra with the Village Green and eventually The Piazza. The historically inspired tower and park amenities will be on axis with the internal “shoppers lane.” The Piazza will act as the fore court and portal entry to the north-south pedestrian paseo. The corners of the walkable European blocks which flank the paseo, and front onto the park will have historically inspired architectural character and enhanced materials such as stone, brick and precast concrete surrounds. The life and activity of retail or restaurant tenants will spill into the piazza and into the paseo entry at the ground level with specialty corner residential units above.

THE COURTYARD AND COLONNADE

Once past the arched entry to the theater, the Courtyard expands to provide smaller shops and merchants along with kiosks and the queuing area for the theater. Beyond the domed theater entry is the entrance to the Colonnade, which continues the retail experience for the visitor. The continuation of the Italian Village theme will follow throughout the Courtyard and Colonnade with alleys of trees, intimate dining and seating areas, and an architectural flane reminiscent of old Florence.

THE RESIDENTIAL PASEOS AND RESIDENTIAL COURTYARDS

The residential units will be flanked with residential paseos and courtyards animated with well detailed facades with the rhythm and materials appropriate to more passive neighborhood courtyards and paseos.

Buildings along the paseos will have the overall scale of urban blocks found in city centers in southern Europe. These urban block buildings will be further articulated by emphasizing their corners with unique elements such as towers, and historically derived roof forms or with special glazing and shading devices and building massing of a contemporary nature.



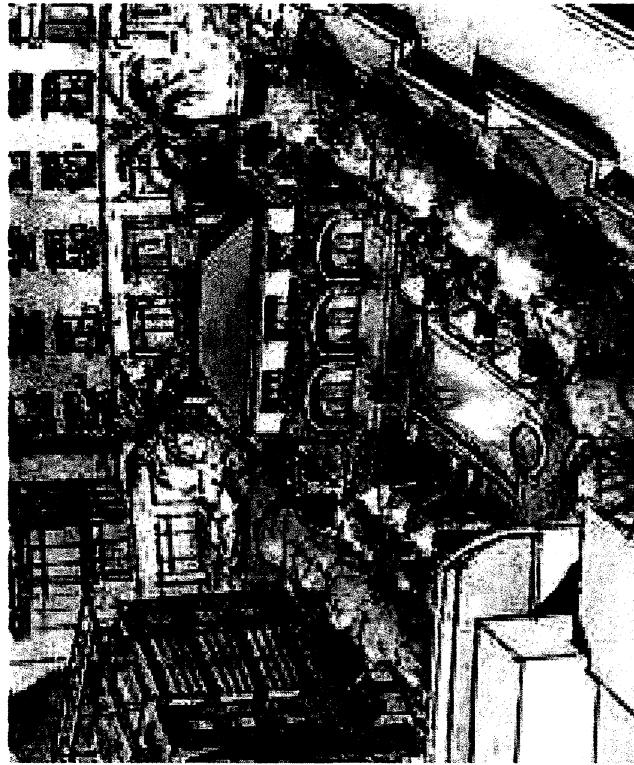
The character of each urban block will consist of buildings of varying architectural styles which complement each other without contrasting significantly from each other. The facades will have a pleasant rhythm and cadence. In most places the architectural style will be integrated vertically to avoid a stacking or layering effect. This will provide a variety of materials, colors and wall articulation for the pedestrian. In addition, this will reinforce the design intent of buildings built over time, historical buildings updated for modern uses, and contemporary buildings built more recently between older buildings. The overall effect is to create urban block similar to those found in European cities.

In order to instill a sense of community on a smaller scale and create a neighborhood or enclave identity, courtyards and portions of paseos will be overlayed with a relatively loose design character and theme. Each neighborhood district or enclave will have an outdoor room with a fountain, an art piece or a significant landscape element. In addition, specialty paving such as stone cobbles and the districting of some types of building materials such as brick and stone would increase a sense of neighborhood identity for residents. These enclaves would include outdoor seating for groups and individuals to nurture friendships and interaction between residents of the neighborhood. Some areas would include small play areas for children and some areas would include smaller quiet areas for an individual to rest, think or read. These

portions of the paseos and courtyards would be an extension of each residents living environment and act as a community living room for social interaction or just reading a book.

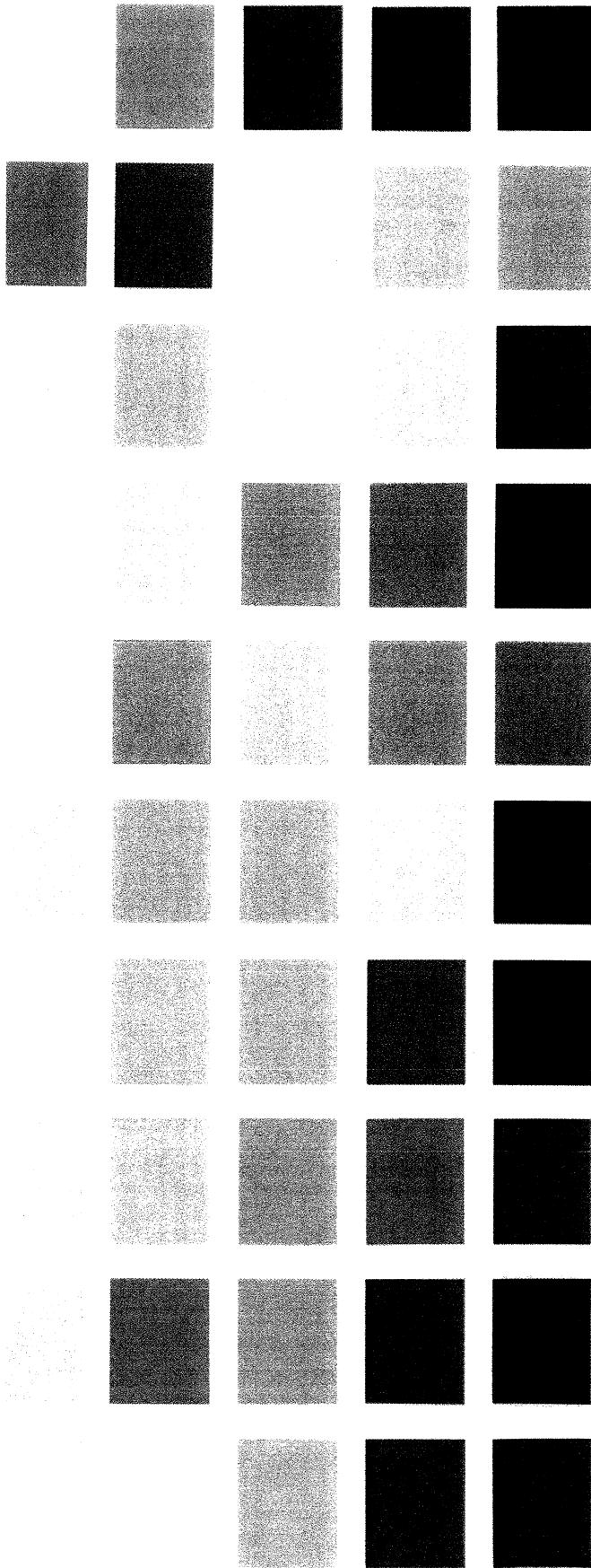
THE COMMUNITY FACILITY

The central community hub for all residents in Area B will be the Community Facility. The Community Facility will contain the neighborhood pool, with a well detailed pool deck with bands and fields of decorative tile or stone, a decorative iron pool fence and a variety of seating such as chairs, chairs and tables and lounges. Also included in the Community Facility would be a lawn with areas for some sporting events like volleyball, bocce ball, or Frisbee. The lawn would also accommodate individual family picnics, sun bathing and community gatherings such as holiday events like a Fourth of July barbecue.



The primary structure in the Community Facility will be The Clubhouse. The Clubhouse will be an architectural icon for the project inspired by the grand chateaus and manor houses of southern Europe and Tuscany. This building represents the elegance of large European residences built by owners of large tracts of land. This building will appear to be the residence of the original land owner of the project who sold off portions to be developed over time into the current design. Therefore this building will be designed as one of the oldest, most historically correct and have some of the richest materials in the project. The exterior will utilize stone, brick and stucco with accents of iron and tile

reflecting a level of craftsmanship found in exquisite European manor houses of the past. This historical structure will appear to have been retrofitted to be used by the residents of this project. The new uses may include a clubroom with a fireplace, community meeting rooms, a small business center for tenant use, billiard room, fitness equipment, pool restrooms and pool equipment. A designated BBQ area for the community will be located outside the clubhouse.



The Crossings at Huntington
Color Samples

GFA PROJECT #99017405 US.UH.ZONE TAT
GREENBERG FARRROW ARCHITECTURE

Color and Materials of Common Areas

Exhibit 7

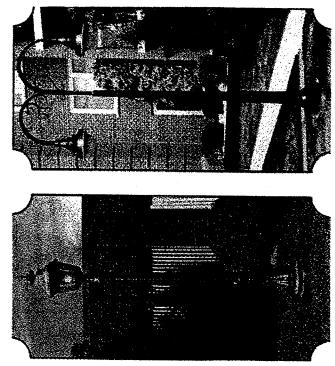
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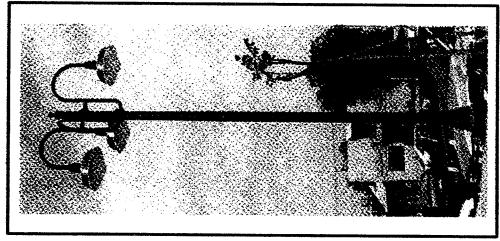
COMMON AREA POLICIES:

3.54.3.1 **Common Area Lighting** will create a strong, attractive night identity for the project. Selected elements will be highlighted with illumination. These elements are selected for their ability to enhance the dimension and add character to the building architecture, to promote the appropriate degree of prestige to the project, as well as to provide a safe and secure environment for visitors and merchants.



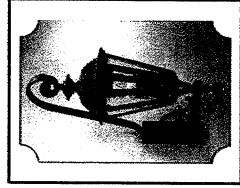
Lighting at passageway

3.5.3.2 3.4.3.2 **Illumination of buildings and landscaping** will be indirect to create a strong positive image. Concealing light fixtures within buildings and landscaping can highlight attractive features. Use of a variety of lighting levels at entries, plazas, parking lots, and other areas where evening activity is expected, will create an exciting night time environment.

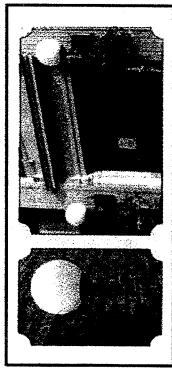


Parking lot fixture

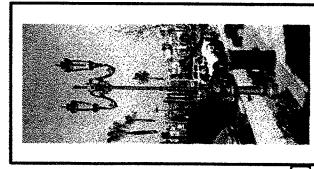
3.54.3.3 Exterior lighting shall be located and designed to evenly illuminate the parking areas, including the parking structure. Particular attention shall be paid to the illumination of all sidewalks, connecting walkways and alcoves. All light standards shall be consistent with respect to design, materials, color and color of light, and with the overall architectural style of the project. All lighting shall be confined within the project and shall not project beyond the project boundaries.



Stair Fixture

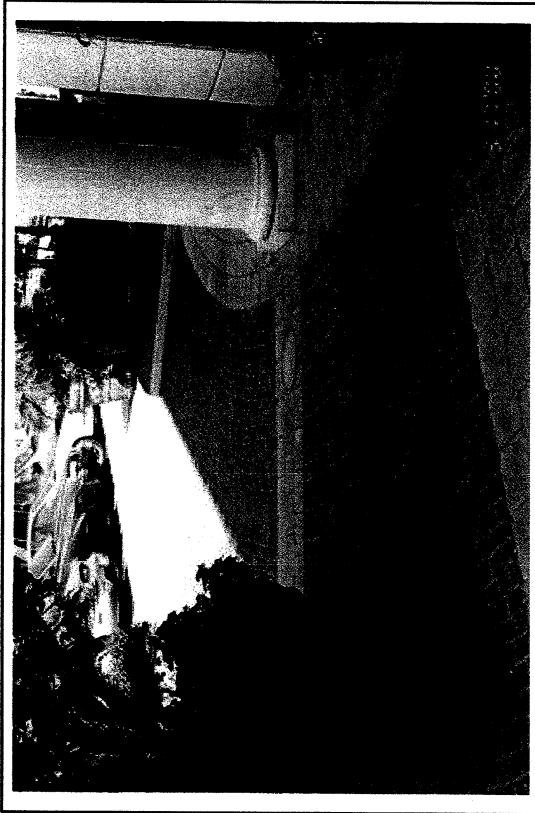


Walkway Fixture



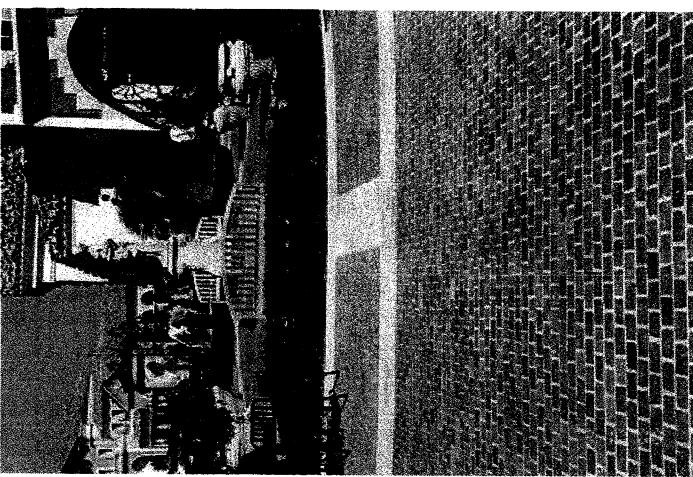
Accent

3.54.3.4 Hardscape in the common areas will consist of non grid-like patterns, which recall the historical cobble stone walks and streets of an Italian Village. Water elements shall be creatively incorporated to provide visual delight and interest.



3.54.3.4.3.5 Mechanical equipment shall be screened from view from the surrounding public streets and shall not be exposed on the wall surface of a building. Screening material and color shall be compatible with the overall building design and colors. Backflow devices, electrical transformers and other mechanical equipment, located on grade, shall not be located within the front or streetside setbacks, and shall be screened from public view or undergrounded.

3.54.3.6 Landscaping in the common area will consist of espaliered vines on columns and trellis elements, potted planters to add detail near storefronts, and large and small planting beds throughout the plazas and passageways. Landscaping may consist of groundcover, grasses, shrubs, vines and trees and shall constitute a minimum of 10% of the common area (excluding Village Retail).



3.5.3.7 3.4.3.7 Trash enclosures shall be concealed with screen walls and ornamental gates, and trellises if needed where views are from above. **Loading docks** shall be screened from view from the surrounding public streets through the use of architecturally detailed facade building walls. The facades shall be integrated into the overall architecture of the project. Landscaping screening shall be provided where possible.

3.54.4 ARCHITECTURAL GUIDELINES AREA A

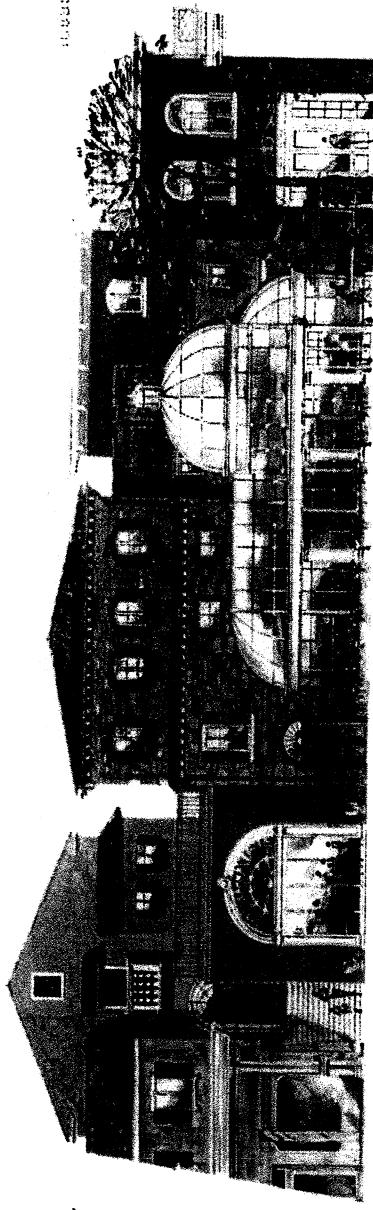
Many of the elements of the Crossings at Huntington Beach Bella Terra Area A architecture reflect that of an Italian Village living environment. The Architectural Guidelines are intended to establish a character, style and quality for each architectural category. The categories are:

- New Anchor Stores and Theaters
- General Tenant Storefronts
- Nonconforming Buildings and Uses

The description of these guidelines is not intended to discourage individual innovation and creativity, but to simply provide a framework within which an overall sense of place will be reinforced. Building design shall comply with the following architectural policies.

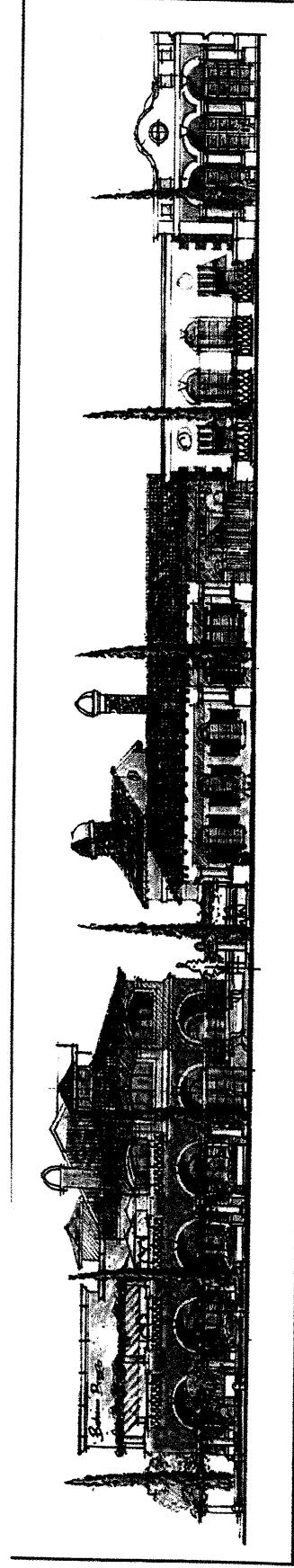
3.54.4A New Anchor Stores and Theaters

Implementation of the Specific Plan will generate construction of numerous new in-line retail and anchor stores and will likely include a multi screen movie theater. Design and site layout of any newly proposed structures shall comply with the following policies.



NEW ANCHOR STORES AND THEATERS POLICIES:

3.54.4A.1 **Building massing and articulation** shall possess a balance in form and composition; large flat unarticulated building elevations shall not be permitted. The large planes of the theater and major tenant walls should be enhanced with patterns and graphics consistent with the overall design theme of the center.



- 3.54.4A.2 Building entries shall have a clearly defined primary pedestrian entry.
- 3.54.4A.3 **Building materials and colors** shall be guided by, but not restricted by, the approved Common Area palette.

3.54.4A.4 **Architecture of all structures** on the property shall be reflective of the quality of building colors, materials, design, and presence as depicted in the sample artist's renderings throughout this document.

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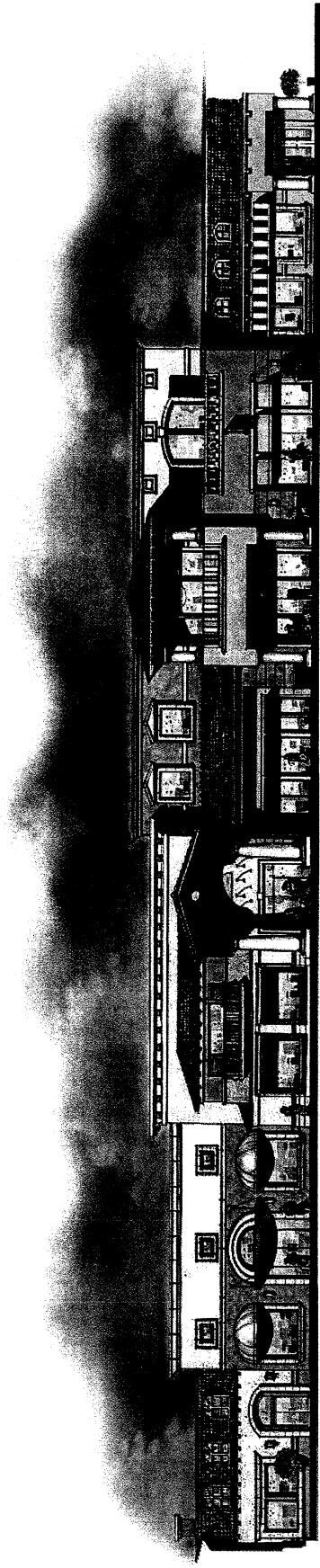
3.54.4B General Tenant Storefronts will conceptually be treated as an Italian Village. Tenant storefronts may be designed choosing from a design vernacular of various architectural elements. Then, linking each individual tenant storefront to another creates a shopping experience of boutiques and shops similar to a walking street in an Italian Village. Arches, columns, tower elements, domes and canopies shall be mixed in with display bays, balconies and balustrades for a distinctly up-scale look garnered from many European styles and themes.

There are two basic types of General Tenant Storefronts: Storefronts facing the exterior toward Edinger Avenue and Center Avenue, and storefronts facing the interior toward Common Areas. Both store front types may be one or two levels.

To achieve this Italian Village concept, general tenants in relation to each other shall have varying parapet heights, window openings, heights and rhythms, canopies and signage. The basic objectives of tenant storefront guidelines are to ensure high quality design and use of materials consistent with that of the project and to produce a variety of three-dimensional storefront designs, each uniquely different from its neighbors but tied together with common theme materials.

GENERAL TENANT STOREFRONT POLICIES:

- 3.54.4B.1 All storefront designs** and plans shall be subject to the approval of the property owner and the City of Huntington Beach.
- 3.54.4B.2 Storefronts are encouraged** to have multiple planes to create a variety of volumes and spaces and to maximize each store's visibility.



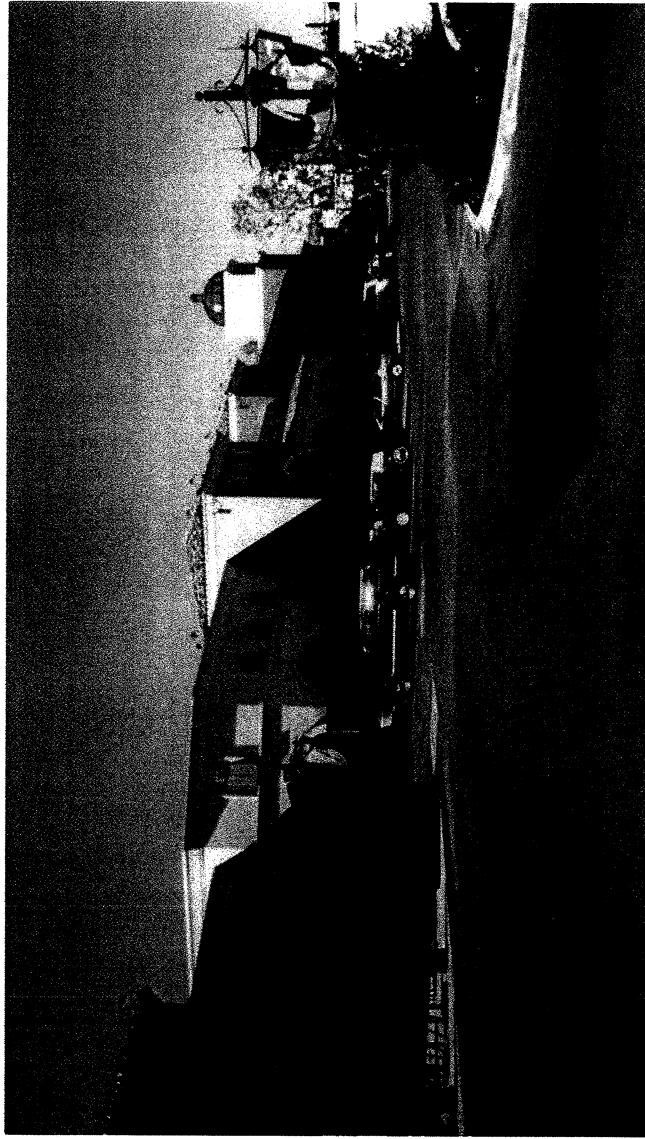
Elevation of an example of storefronts showing varying heights, window rhythms and heights and canopies.

3.54.4B.3 Tenant storefront materials may include but are not restricted to:

Opaque:

Translucent:

- | | |
|---|---------------|
| Polished metals | Glass block |
| Smooth brick | Etched glass |
| Smooth and Rough plaster | Clear glass |
| Glass Fiber Reinforced Concrete | Crackle glass |
| Porcelain and Clay tile | |
| Metal grillwork | |
| Painted or Stained wood | |
| Glazed ceramic tile | |
| Smooth, Rough or polished stone | |
| Powder coated or anodized metal | |
| Cast concrete or plaster (i.e. columns, cornices) | |



Examples of streetfront collection concepts

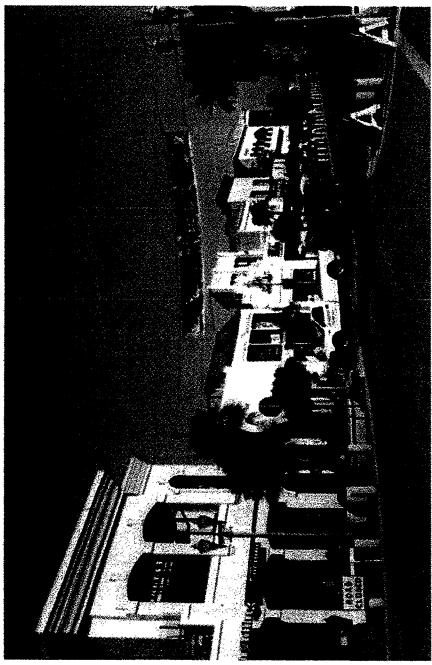
3.54.4B.4 **Tenants' storefront** may project from the face of the building as long as this does not extend beyond the face of the upper level overhang and maintains the required ~~mall~~ clearances between buildings.

3.54.4B.5 **Storefront designs** shall comply with the design guidelines and may require modification in the event that they are too similar to a neighboring store. Themes evident in the Italian Village shall be used to base all storefront designs.

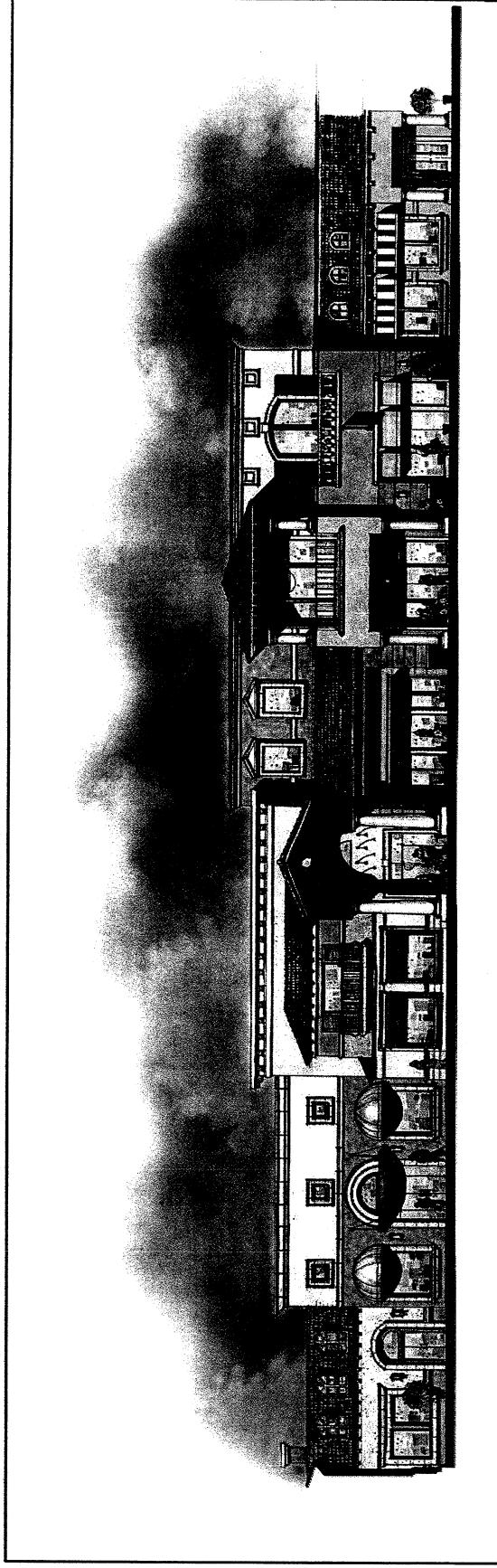
3.54.4B.6 **Tenants are encouraged** to vertically extend their facade design from leaseline to leaseline and from slab to top of parapet or bottom of upper floor above.

3.54.4B.7

Tenants are encouraged to have louvers, awnings or canopies at their storefronts.



Examples of awning use



Typical Tenant Storefronts
Exhibit 8

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3.4.5 ARCHITECTURAL GUIDELINES AREA B

Many of the elements of Bella Terra Area B architecture reflect the living environment of a Southern European village. The architectural Guidelines are intended to establish a character, style, and quality for each architectural category that is complementary to the established architecture and design themes of Area A. The Categories are:

- New Anchor Stores, Retail, and Residential Buildings (Mixed-Use)
- General Tenant Storefronts
- Residential Exteriors and Lobbies

The description of these guidelines is not intended to discourage individual innovation and creativity, but to simply provide a framework within which an overall sense of place will be reinforced. Building design shall comply with the following architectural policies.

Implementation of the Specific Plan will generate construction of a project containing a mixture of uses which include numerous new in-line retail and anchor stores, restaurants, small professional offices and residential homes while connecting to the existing adjacent Bella Terra Area A. Design and site layout of any newly proposed structures shall comply with the following policies.

3.4.5A NEW ANCHOR STORES, RETAIL, AND RESIDENTIAL BUILDING (MIXED-USE) POLICIES:

3.4.5A.1 Building massing and articulation shall possess a balance in form and composition; large flat unarticulated building elevations shall not be permitted. The large planes of the major tenant walls, and residential building walls should be enhanced with patterns and graphics consistent with the overall design theme of the center.

3.4.5A.2 Building entries shall have a clearly defined primary pedestrian entry.

3.4.5A.3 Building materials and colors shall be guided by, but not restricted by, the approved Common Area palette.

3.4.5A.4 Architecture of all structures on the property shall be reflective of the quality of building colors, materials, design, and presence as depicted in the sample artist's renderings throughout this document.

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3.4.5B General Tenant Storefronts will conceptually be treated as one of the following architectural styles:

- Southern European village
- Contemporary
- Mid-century modern
- Romanticized turn of the century industrial
- Streamlined modern

Tenant storefronts may be designed choosing from a design vernacular of various architectural elements reflective of these styles. To encourage diversity and enforce the philosophy of architecture built-over-time, individual tenant storefronts next to each other or directly across from each other will not be the same architectural style. Tenants with unique styles will have stronger identities and this will create a shopping experience of boutiques and shops similar to a walking street in an Italian Village. Arches, columns, tower elements, domes and canopies shall be mixed in with metal and wood louvers, contemporary canopies, display bays, balconies and balustrades for a distinctly up-scale look garnered from many European styles and themes.

There are three basic types of General Tenant Storefronts: 1) storefronts for tenants below residential homes, 2) storefronts for anchor tenants below residential homes, and 3) storefronts for retail only buildings. The storefront types may be one or two levels.

To achieve the southern European village built-over-time concept, general tenants in relation to each other shall have varying parapet heights, window openings, heights and rhythms, canopies and signage. The basic objectives of tenant storefront guidelines are to ensure high quality design and use of materials consistent with that of the project and to produce a variety of three-dimensional storefront designs, each uniquely different from its neighbors but tied together with common theme materials.

GENERAL TENANT STOREFRONT POLICIES AREA B:

3.4.5B.1 All storefront designs and plans shall be subject to the approval of the property owner and the City of Huntington Beach.

3.4.5B.2 Storefronts are encouraged to have multiple planes to create a variety of volumes and spaces and to maximize each store's visibility.

3.4.5B.3 Tenant storefront materials may include but are not restricted to:

Opaque: _____ Translucent: _____

| | |
|---|---------------|
| Polished metals | Glass block |
| Smooth brick | Etched glass |
| Smooth and Rough plaster | Clear glass |
| Glass Fiber Reinforced Concrete | Crackle glass |
| Porcelain and Clay tile | |
| Metal grillwork | |
| Painted or Stained wood | |
| Glazed ceramic tile | |
| Smooth, Rough or polished stone | |
| Powder coated or anodized metal | |
| Cast concrete or plaster (i.e. columns, cornices) | |

3.4.5B.4 Tenants' storefront may project from the face of the building as long as this does not extend beyond the face of the upper level overhang and maintains the required clearances between buildings.

3.4.5B.5 Storefront designs shall comply with the design guidelines and may require modification in the event that they are too similar to a neighboring store. Themes evident in the architectural styles listed in 3.5.B shall be used to base all storefront designs.

3.4.5B.6 Tenants are encouraged to vertically extend their facade design from leaseline to leaseline and from slab to top of parapet or bottom of upper floor above.

3.4.5B.7 Tenants are encouraged to have louvers, awnings or canopies at their storefronts.

3.4.5C Residential Exterior & Lobbies

The residential exteriors shall have the same styles as the storefronts as listed in 3.5.B. The style, proportions and massing of residential exteriors shall be sympathetic and complementary to the style of the storefront below. At building corners and other areas where possible and where it seems appropriate the architectural style, massing, detailing and roof forms of the residential building above will match the retail tenant below. The exterior facade of small residential lobbies will be detailed to match the style of an adjacent

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storefront. The exterior facade of large residential lobbies will have a different architectural style than adjacent storefronts. If possible, the facade of a residential lobby should also match the architectural character of the residential building above.

3.4.6 Nonconforming Buildings and Uses Areas A and B

Purpose – It is the intent of these regulations to provide for the termination of nonconforming uses and the remodel/ renovation of nonconforming buildings in order to promote the public health, safety , and general welfare and to bring such buildings and uses into conformity with the goals and policies of the City of Huntington Beach General Plan and The Crossings at Huntington Beach Terra Specific Plan No. 13. This section is intended to prevent the expansion of nonconforming uses and buildings, establish the circumstances under which they may be continued and provide for the removal, correction, remodel, or change of such uses and buildings.

3.4.6A 3.4.6A Regulations Applicable. The following regulations shall apply to all nonconforming uses and to all buildings or structures nonconforming due to use and/or standards as specified herein:

1. **Continuation.** A nonconforming use or a building or structure nonconforming due to use and/or standards may be continuously maintained provided there is no alteration, enlargement, or addition to any building or structure; no increase in occupant load; nor any enlargement of area, space or volume occupied by or devoted to such use, except as otherwise provided in this Section.
2. **Additions to a Nonconforming Use, Building, or Structure.** This section does not authorize the extension, expansion, or enlargement of the area of land or the area within a building or structure devoted to a nonconforming use, or the alteration, enlargement of or addition to a building or structure nonconforming due to use and/or standards, or permit the addition of land, buildings or structures used in conjunction with a nonconforming use or a building or structure nonconforming due to use and/or standards, except:
 - a. Exterior building alterations to a building or structure nonconforming due to standards when the exterior alterations comply with the design, architectural, and development policies and standards contained within the Specific Plan.
 - b. To the extent required by a subsequently enacted or subsequently adopted law, ordinance or regulation, and the Director so finds. Such additions as are permitted by the subsection shall not be

construed to extend the termination date of the subject nonconforming use, or a building or a structure nonconforming due to use or standards.

3. **Natural Act.** A nonconforming building or structure that is damage or destroyed by fire, earthquake, or other calamity, or by act of God, or by act of war, or by the public enemy, may be re-constructed provided that each of the following conditions is met.
 - a. Such re-construction is permitted by the Uniform Building Code.
 - b. Re-construction is commenced within one year of the date of damage, unless otherwise allowed by the Planning Commission, and be pursued diligently to completion.

3.4.6B Termination Conditions and Time Limits The following regulations shall apply to all nonconforming uses and buildings and structures nonconforming due to use, and to buildings and structures nonconforming due to standards as specified in this section.

1. **Termination by Discontinuance.** Discontinuance of a nonconforming use or of the use of a building or structure nonconforming due to use and/or standards as indicated herein shall immediately terminate the right to operate or use such nonconforming use, building or structure, except when extended as otherwise provided in this Section:
 - a. Changing a nonconforming use to a conforming use;
 - b. Removal of a building or structure nonconforming due to use and/or standards; or
 - c. Discontinuance of a nonconforming use or use of a building or structure nonconforming due to use and/or standards as indicated herein for a consecutive period of one or more years.
2. **Termination by Operation of Law.** Nonconforming uses and buildings or structures nonconforming due to use, shall be discontinued and removed from their sites within the time specified in this section, except when extended or revoked as otherwise provided in this section. Buildings or structures nonconforming due to standards enumerated in this Specific Plan, shall be remodeled and renovated to comply with the standards enumerated in this Specific Plan within the time frame specified in this section, except when extended or revoked as otherwise provided in this section.

In the case of nonconforming uses and buildings or structures nonconforming due to use, and those buildings or structures nonconforming due to standards enumerated in this Specific Plan:

- a. Where a nonconforming use is carried on in a conforming structure – three years from the date of adoption of the Specific Plan.
- b. Where a nonconforming use is carried on in a nonconforming structure due to standards enumerated in this Specific Plan – three years from the date of adoption of the Specific Plan.
- c. Where a conforming use is carried on in a nonconforming structure due to standards enumerated in this Specific Plan – three years from the date of adoption of the Specific Plan.

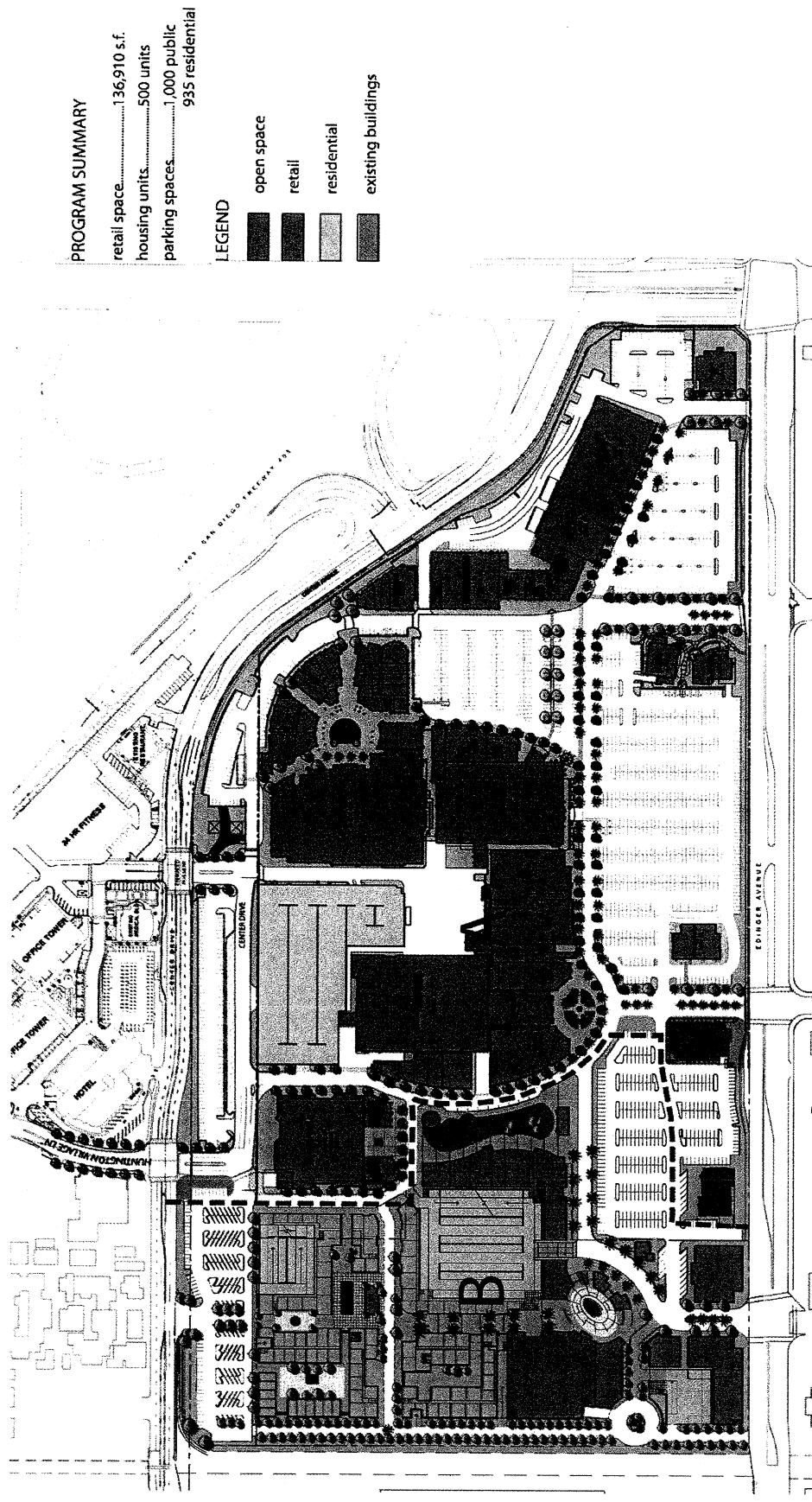
3.4.6C Review of Amortization Schedule or Substitution of Use

1. **Request for Review** – An application may be filed with the Planning Commission requesting extension of the time within which a nonconforming use or building or structure nonconforming due to use, or due to standards where applicable, must be discontinued and removed from its site or remodeled and renovated as specified in Section 3.4.5C.

The Planning Commission may accept such filing either before or after the date of expiration of such nonconforming use, building or structure.
2. **Application and Procedure** – Except as specifically provided in this section, the application and all procedures relative to notification, public hearing and appeals shall be the same as for a conditional use permit.
3. **Burden of Proof** – In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Planning Commission the following facts:
 - a. That to require cessation of such use, building or structure would impair the property rights of any person to such an extent as to be an unconstitutional taking of property; and/or
 - b. That such use, building or structure does not now and will not during the extension period requested.

1. Adversely affect the health, peace or welfare of persons residing or working in the surrounding area, and,
2. Be materially detrimental to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site, and,
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

4. **Findings and Decision** – The Director of Planning shall recommend and the Planning Commission shall approve an application for a nonconforming use, building or structure review, provided the burden of proof set forth above has been met by the applicant.
5. **Conditions** – The Planning Commission, in approving an application for a nonconforming use and structure review may impose conditions it deems necessary to insure that the approval will be in accord with the findings required. Conditions imposed by the Planning Commission may involve any pertinent factors affecting the establishment, operation, and maintenance of the uses, buildings or structures requested.



Landscape Concept Plan

Exhibit 9

3.4.7 LANDSCAPE GUIDELINES

The landscape for The Crossings at Huntington Beach Bella Terra is an integral component of the overall project design. This design concept is urban in nature and has strong elements of an Italian Village. These elements include the use of strong vertical elements such as Italian cypress and Palms at the main entrances in strategic

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areas for emphasis and continuity. Some of the other elements that fit well with an Italian Village environment include the following which are indigenous to the California coast. i.e.: Bougainvillea, Ivy Geraniums, Hibiscus, Lupine, Azalea, Indian Hawthorn and tree varieties such as Silk tree, Alder, Strawberry tree, Deodar Cedar, Carob, Carrortwood, Crepe Myrtle and the like. The Landscape Concept is composed of these elements as well as other elements, such as decorative paving, water features, public art, and lighting which are complementary to and assist in the implementation of an integral landscape design. These Landscape Guidelines establish the design character and visual qualities for development within the Specific Plan.

LANDSCAPE GUIDELINE POLICIES:

3.5.5.4 3.4.7.1 **Site layout** shall respect and preserve as much of the existing site features, including trees where possible. A professional consulting arborist shall determine whether existing trees can be saved during construction.

3.5.5.2 3.4.7.2 **Existing healthy trees**, where feasible, shall be preserved or relocated on site. If healthy trees are removed, replacement shall be as follows: Each existing Rhaphiolepis “Majestic Beauty” removed shall be replaced with one (1) thirty-six (36) inch box tree or palm equivalent. All other healthy tree species with a ten (10) inch diameter trunk at breast height or larger shall be replaced with two (2) thirty-six (36) inch box trees or the palm equivalent for each tree removed. Should the foregoing substitution of two (2) 36” box trees be impractical, the ratio may be modified to one (1) 36” box tree with the approval of the Director of Public Works. Palms may be substituted for trees at the ratio of half (1/2) foot of brown trunk height for each one (1) inch of box size. If the situation occurs where there is not enough planting area for the trees required, the accumulative box inches of trees may be utilized, For example, two (2) thirty six (36) inch boxed trees could be combined into one seventy two (72) inch box tree. For palms, the requirement of eighteen feet of brown trunk for each thirty six (36) inch tree would work as follows: two (2) thirty six (36) inch box trees could be combined into one (1) thirty six (36) foot (brown trunk) palm. All tree replacement shall be subject to review and approval and may be modified by the Director of Public Works.

3.5.5.3 3.4.7.3 **Landscape design** shall provide formal or informal groupings of deciduous and evergreen trees, flowering shrubs, and groundcover. Trees shall be of even size and shape at the time of installation. Replacement trees shall be compatible with the new landscape plan. A minimum of eight (8) percent of the net site area shall be landscape and shall be provided on the perimeter of the site and the parking lot. Additional landscaping is required in the Common Area (see policy 3.5.3.6). Shrubs shall be planted flush to the walls, when feasible, thus not allowing a hiding place for an offender or privacy for transients between the shrub and wall. New shrubs and trees shall be located in an manner that will not impede sight distance and line of sight for traffic.

3.5.5.4 3.4.7.4

Plant materials shall be selected to create an informal pattern of landscaping to reinforce the character of the tree plantings. A formal pattern of landscaping shall be created on-site at the project entries. Trees shall be selected based upon the size of the planting area to allow for mature growth without causing future damage to the improvements or to underground utilities. A consulting, certified ISA arborist shall review and approve final tree planting plans for compliance. All trees shall be a minimum twenty-four (24) inch box size. Shrubbery (evergreen and flowering) shall be low to medium in height; minimum size shall be five (5) gallon. All grass selections shall be made from the City's approved water efficient materials list.

3.5.5.5 3.4.7.5

Street tree planting in the parkway areas shall include a minimum of one (1) thirty six (36) inch box tree for each forty five (45) feet of lineal frontage. At the discretion of the Director of Public Works, this planting may be modified to one (1) twenty four (24) inch box every thirty (30) feet. Tree planting shall be grouped in informal drifts and tree quantities shall be determined by the length of the property adjacent to the street divided by the recommended spacing of each tree variety. All parkway planting shall be subject to review and approval of the Director of Public Works.

**PLANT PALETTE - SITE
DESCRIPTION**

| DESCRIPTION | BOTANICAL NAME | COMMON NAME |
|----------------------------|-----------------------|--|
| FRONTAGE TREE | | EVERGREEN PEAR CRAPAE MYRTLE NEW ZEALAND CHRISTMAS TREE TEXAS PRIVET 'PARSONII' JUNIPER BOUGAINVILLEA HIBISCUS |
| FRONTAGE HEDGE | | GAZANIA KOREAN GRASS |
| FRONTAGE ACCENT SHRUB | | OLIVE JACARANDA |
| FRONTAGE GROUNDCOVER | | CANARY ISLAND PINE BRADFORD PEAR |
| ENTRY DRIVE THEME TREE | | AZALEA |
| ENTRY DRIVE TREE | | FLAX STAR JASMINE CRAPAE MYRTLE INDIA HAWTHORN TREE FORM CAST-IRON PLANT |
| ENTRY DRIVE ACCENT SHRUB | | PHORMIUM TENAX TRACHELOSPERMUM JASMINOIDES LAGERSTROEMIA FAUREI RHAPIOLEPI'S 'MAJESTIC BEAUTY' |
| ENTRY DRIVE EDGE SHRUB | | ASPIDISTRA ELATIOR |
| ENTRY DRIVE LOW SHRUB | | TRACHELOSPERMUM JASMINOIDES ROSMARINUS OFFICINALIS |
| END ISLAND TREE | | ROSA SP. |
| END ISLAND LOW SHRUB | | PLATANUS ACERIFOLIA 'BLOODGOOD' ULMUS PARVIFOLIA "TRUE GREEN" ZEJKOVA SERRATTA ULMUS PARVIFOLIA EUCALEPTUS SP. |
| PARKING LOT TREE | | PINUS SP. AGONIS FLEXUOSA TRISTANIA CONFERTA BOUGAINVILLEA SP. |
| SCREEN TREES | | TRACHELOSPERMUM JASMINOIDES PTTOSPORUM TOBIRA MELALEUCA QUINQUENERIA TRISTANIA CONFERTA FICUS RUBIGNOSA |
| PARKING GARAGE SCREEN TREE | | PINES PEPPERMINT TREE BRISBANE BOX BOUGAINVILLEA STAR JASMINE 'MINT JULIP' CAJEPUT TREE BRISBANE BOX RUSTYLEAF FIG |
| PARKING GARAGE PLANTING | | |
| SCREEN TREES | | |

ATTACHMENT NO. 6-79

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**Plant Materials Palette
Exhibit 10**

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3.5.5.6 3.4.7.6 **Pedestrian walkway systems** shall be designed to unify the entire project area and provide pedestrian site access to buildings, parking and site activity areas from the perimeter project area and from within the site. Pedestrian walkways shall be a minimum of five (5) feet clear in width with no vehicular overhang, risers, or utilities within the pathway.

3.5.5.7 3.4.7.7 **Perimeter landscaping** around the project areas shall provide a consistent edge treatment using a limited variety of plant materials.

3.5.5.8 3.4.7.8 **Parking lots** shall be planted at the rate of one (1) tree for every ten (10) parking stalls. Parking lot trees shall be twenty-four (24) inch box trees. All tree planting areas shall be a minimum net width of four (4) feet in one direction and a net width of six (6) feet in the other direction. Small trees (at maturity) shall be utilized in these planting areas.

Parking lot treatments shall be consistent and contribute to the project landscaping unity. Parking lots shall be planted with trees in such a manner as to provide maximum shade. An alternative which clusters or groups parking lot trees may be considered. Larger trees may also be considered as substitutes for a number of smaller trees, subject to review and approval of the Director of Public Works.

Perimeter parking lots adjacent to arterial streets shall be provided with additional landscape treatment to ensure that the parking areas are adequately screened from adjacent street views, however, not hidden from the view of passersby and police on the adjacent streets. Berming in these areas is encouraged and shall be a maximum of three (3) feet high and have a natural appearance in form. However, the fact that a successful retail shopping center must be seen from the adjacent streets will be the determining factor in the selection and placement of all perimeter landscaping.

Shrubbery shall be planted in areas where berms are not practical. Shrub planting shall be provided in a minimum five (5) gallon size and spaced a maximum of three (3) feet apart. Shrubby shall not exceed three (3) feet in height. Hedges shall be trimmed from the ground and maintain an eight (8) inch clearance from the ground.

Where cars overhang the curbs, ground cover planting shall be required; a maximum overhang of two (2) feet shall be permitted. The overhang area shall not be considered as part of the required minimum percentage of on-site landscaping or minimum planter width.

Line of sight and sight distance at intersections within the parking lot shall be subject to the review and approval of the Public Works Director.

3.5.5.9 3.4.7.9 Perimeter landscaping shall preserve or construct a minimum ten (10) foot wide landscape buffer between the arterial highway and private project improvements, including buildings, walls, parking areas, etc. Landscape improvements within the public right-of-way, adjacent to private improvements, shall be constructed by the project developer and maintained by the property owner consistent with the overall landscape theme. The design shall be consistent with the approved Edinger Corridor concept.

3.5.5.10 3.4.7.10 Entry drives shall be constructed in conformance with the Specific Plan (Policy 3.5.2.4) and City design standards (Public Works Standard Plans) subject to the review by the Directors of Public Works and Planning. Project access points shall be designed to provide entering and exiting drives with adequate views of approaching pedestrians and vehicles.

Entry drives shall provide convenient access to parking lots at various locations approved by the Director of Public Works. In addition to street trees and on-site landscaping, each entry shall be designated by ground cover-planting, shrubs, and large specimen trees on each side of the entry. These trees shall be located a minimum of ten (10) feet back from the intersection of driveways and property lines to avoid line-of-sight conflicts.

Enhanced paving (pavers, interlocking bricks, stamped concrete, or other similar material) shall be provided at all driveway entrances from the public right-of-way to the project. Major driveway entrances, as identified on the Circulation Plan, Exhibit 5, shall incorporate enhanced materials from the property line to the back of the adjacent landscape planter or a minimum of 15 feet. Minor driveway entrances shall provide a minimum of ten (10) feet of enhanced treatment.

Pedestrian connections consisting of enhanced paving materials shall be provided along the front of the satellite buildings (~~Barnes and Noble, Circuit City, and Staples~~)—and within the pedestrian walkway connecting these outlying buildings to the main ~~#~~lifestyle center. Enhanced paving materials shall also be provided throughout the public plazas and from Edinger Avenue at the main project entrance (across from Sher Lane) along a pedestrian path to the main plaza.

3.5.5.11 3.4.7.11 Interior plaza areas and courtyards shall be provided as focal points. These areas shall be an integral part of the building architecture and be connected by a walkway system to the public pedestrian walkways.

3.5.5.12 3.4.7.12 Irrigation systems shall comply with the City's "Water Efficient Landscape Requirements." (Ordinance #1452).

3.5.5.13 3.4.7.13 All landscaping shall conform with the requirements of the Landscape Improvement chapter of the Huntington Beach Zoning and Subdivision Ordinance, the City Arboricultural and Landscape Standards and Specifications, and City Standard Plans, in addition to the Specific Plan policies.

3.5.5.14 3.4.7.14 **Landscape screening** is intended to soften and blend the connection of the building areas with the landscape of the parking lots. Trees shall be provided to soften, and visually relieve, parking and utility areas and to provide summer shade.

Trash enclosure areas, where appropriate, shall be provided with tree and shrub planting screens to soften the enclosure. Mechanical equipment and transformer areas shall have landscape screening and/or low-level screen walls. Valves, meters, back flow preventers, etc., shall be screened by shrub plantings and/or low level screen walls.

3.5.5.16 3.4.7.15 **Landscape lighting** shall be provided in selected areas to aesthetically enhance the site. Pedestrian walkways shall include adequate night lighting for public safety and crime prevention purposes. Courtyard lighting shall be a minimum maintained level of one foot-candle.

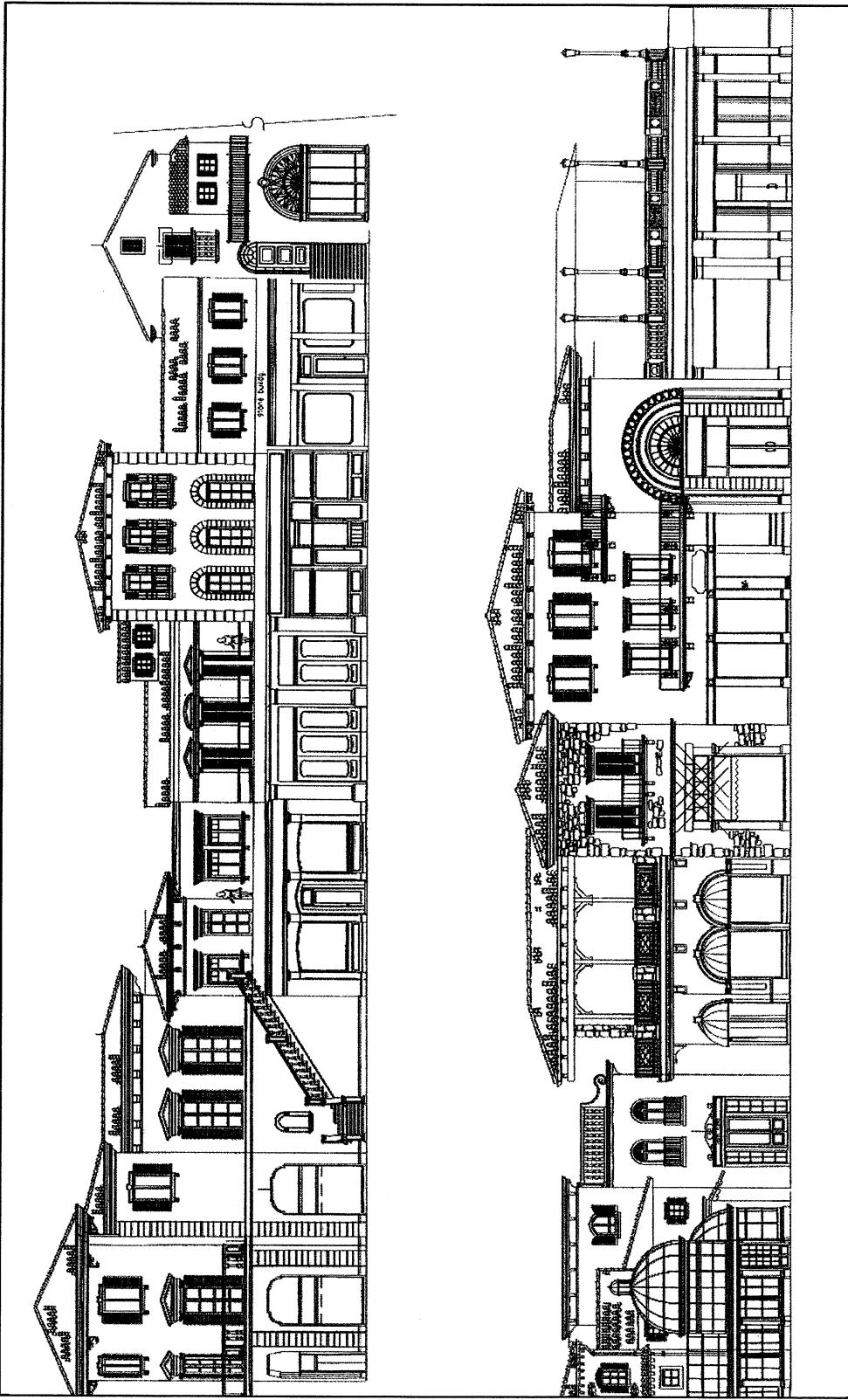
3.5.5.17 3.4.7.16 **Conservation water measures** shall be incorporated in the landscape design. A minimum of seventy-five (75) percent of the required landscape area shall be planted with ground cover and the balance (a maximum of 25 percent) with turf. The use of shrubs, hedges, and berming shall be provided to screen cars in the parking lots from street view.

3.4.8 SIGNAGE GUIDELINES

The Signage Guidelines identify a framework to advertise a place of business and provide directions or information specific to that business. Attractive and effective signage can be designed without detracting from the overall design quality of the project area. The Signage Guidelines also contribute to the overall project area urban retail design theme. Design, color, materials and placement are all important in creating signs that are architecturally attractive and integrated into the overall project area design. The intent is to create and promote a quality visual environment by allowing only signs which are compatible with their surroundings and which effectively communicate their message.

Signs shall be designed to be architecturally compatible with the colors and materials of the adjacent building. All signing shall be consistent with the Crossings at Huntington Beach Terra's sign standards Planned Sign Program (Appendix Q).

DEVELOPMENT REGULATIONS



Section Four

The Crossings at Huntington Beach Bella Terra Specific Plan

38

August 7, 2000-October 14, 2008

ATTACHMENT NO. 6-B3

DEVELOPMENT REGULATIONS

4.0 PURPOSE

The purpose of this section is to provide specific development regulations and standards that will be applied to development projects in the Specific Plan. Upon adoption by the City of Huntington Beach, ~~the Crossings at Huntington Beach Bella Terra~~ Specific Plan will be the zoning document for the project area.

4.1 GENERAL PROVISIONS

The provisions contained herein shall govern the design and development of ~~the Crossings at Huntington Beach Bella Terra~~ Specific Plan area. Standards and/or criteria for development and activities not specifically addressed in this Specific Plan shall require referral to the current provisions of the Huntington Beach Zoning and Subdivision Ordinance and Municipal Code.

Whenever a use has not been specifically listed as being a permitted use, the Planning Director shall determine if the use is consistent with the intent of this Specific Plan and compatible with other permitted uses. In addition, all projects must comply with the following policies:

4.1.0 DEVELOPMENT REGULATIONS POLICIES:

- 4.1.1 **Notwithstanding provisions to the contrary, all grading shall be approved by both the Planning Director and Director of Public Works, or designee.**
- 4.1.2 **Construction may commence only after the Planning Director finds that the project is consistent with the regulations and applicable policies and guidelines of the Specific Plan.**
- 4.1.3 **All structures in existence prior to the original ~~at the time of~~ Specific Plan adoption on August 7, 2000 shall be deemed legal, non-conforming. All policies regarding Site Plan Review process and façade improvements shall apply.**

4.2 DEFINITIONS

For the purposes of the Specific Plan, words, phrases and terms shall have the meanings as defined below. Terms not specifically defined in the Specific Plan shall have the same definition as used in the City of Huntington Beach Zoning and Subdivision Ordinance in effect at the time of any individual request.

When not inconsistent with the context, words used in the present tense include the future tense; words used in the singular number include the plural number; and words of the masculine gender include the feminine and neutral gender. The word "shall" is always mandatory and the word "may" is permissive. The word "encouraged" shall mean every effort shall be made to conform to the policy but alternatives may be acceptable.

- 4.2.1 **Architectural Features.** Architectural features include elements that compliment the building architecture such as, but not limited to, walls, architectural towers and domes (with The Crossings at Huntington Beach Bella Terra logo), spires, and arches. Architectural features may include signage as depicted in the attached signage guidelinesBella Terra Planned Sign Program.
- 4.2.2 **Communication Antenna.** All types of receiving and transmitting antenna, except satellite dish antenna and wireless communication facilities.
- 4.2.3 **Deviations.** An adjustment in one or more Development Regulations in order to accommodate special circumstances and/or unique architectural features. Deviation shall be limited to ten (10) percent of any single development regulation.
- 4.2.4 **Drive-Through Bakery.** A shop where only bread, cake, pastries, doughnuts, and similar goods are baked (and/or) fried and sold on the premises and is designed to serve patrons who remain in their cars. Tables and chairs may also be provided indoors or within an outdoor patio but a minimum of one drive-through lane and one outdoor pick-up window for vehicle service of bakery goods must be provided.
- 4.2.5 **Entryway.** The point of ingress and egress from a public or private street to the individual project.
- 4.2.6 **Final Approval.** Ten (10) days after approval by the discretionary body and no appeal of that decision has been filed.
- 4.2.7 **Modification (Minor).** An amendment to the exhibits and/or text which does not change the meaning or intent of the Specific Plan.

- 4.2.8 **Modification (Major).** An amendment to the exhibits and/or text which is intended to change the meaning or intent of either the Development Concept, Design Guidelines, or Development Regulations. Major modifications require a Zoning Text Amendment and action by the Planning Commission and City Council.
- 4.2.9 **Private drive.** A privately owned and maintained roadway used to provide vehicle access through the property.
- 4.2.10 **Renovation.** Any request to remodel, improve, renovate, upgrade, or refurbish the interior or exterior of an existing building, including minor improvements to accommodate new tenants or an upgraded look for an existing tenant.
- 4.2.11 **Site plan.** A plan prepared to scale, showing accurate and complete dimensions of all buildings, structures, landscaping, parking, drive aisles, uses, etc. and the exact manner of development proposed for a specific parcel of land.
- 4.2.12 **Street.** A public or approved private thoroughfare or road easement which affords the principal means of access to abutting property.
- 4.2.13 **Structural alteration.** Any change in, or alterations to, the structure of a building involving: the bearing wall, column, beam or ceiling joints, roof rafters, roof diaphragms, foundations, retaining walls or similar components.
- 4.2.14 **Ultimate Right-of-Way.** The adopted maximum width for any street, alley or thoroughfare as established by: the general plan, a precise plan of street, alley or private street alignment, a recorded parcel map, or a standard plan of the Department of Public Works. Such thoroughfares shall include any adjacent public easement used as a walkway and/or utility easement.
- 4.2.15 **Use.** The purpose for which land or building is arranged, designed, or intended, or for which it is occupied or maintained.
- 4.2.16 **Wall or Fence.** Any structure or devise forming a physical barrier. This definition shall include: concrete, concrete block, brick, stone or other masonry material, metal, and wrought iron, etc.
- 4.2.17 **Zone.** A district as defined in the State Conservation and Planning Act, shown on the official zoning maps and to which uniform regulations apply.

4.2.18 Zoning Maps. The official zoning maps of the City of Huntington Beach which are a part of the comprehensive zoning ordinance.

4.3 DEVELOPMENT STANDARDS AREA A

The Development Standards shall serve as the mechanism for the implementation of ~~The Crossings-at Huntington Beach Terra Area A~~ land uses. The standards set forth in this section will assure that future development within ~~The Crossings-at Huntington Beach Terra Area A~~ is implemented in a manner consistent with the intent of the project area Master Plan. The standards contained herein provide flexible mechanisms to anticipate future needs and achieve compatibility between land uses and the surrounding community. Standards and guidelines are designed to be compatible with the existing land use categories of the City. The primary land uses in ~~The Crossings-at Huntington Beach Terra Area A~~ shall be regional commercial, retail, dining, and entertainment.

- 4.3.1 Permitted Uses.** Permitted uses shall be required to meet all applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance Code. A list of permitted uses is provided in Exhibit 11A.
- 4.3.2 Intensity.** The maximum intensity shall be consistent with the City's General Plan.
- 4.3.3 Building height.** The maximum allowable building height shall be seventy-five (75) feet and a maximum of 4 stories. Rooftop mechanical equipment and parapet walls may exceed the maximum permitted building height by fifteen (15) feet, however mechanical equipment shall be screened from view. Special themed architectural structures or elements such as towers or domes may be allowed up to one hundred-twenty (120) feet.
- 4.3.4 Setbacks.** Refer to Exhibit 12.
- 4.3.5 Landscaping.** Landscaping shall be permanently maintained in an attractive manner in all setback and parking lot areas fronting on, or visible from, adjacent public streets.
- 4.3.6 Signs.** All signs in the project area shall conform to the provisions of the sign standards in Appendix D The Bella Terra Planned Sign Program.
- 4.3.7 Lighting.** All illumination of interior circulation streets, parking areas, and project sites, shall be coordinated to provide consistent illumination intensity. Emphasis shall be placed on areas of high vehicular and pedestrian activity. Light fixtures and standards shall be consistent with building architectural style. Public streetlights shall comply with the City of Huntington Beach guidelines for street lighting.

The following uses and ~~improvements~~ to existing buildings shall be permitted within the Crossings-at Huntington BeachBella Terra Specific Plan Area A subject to review and approval of a Site Plan Review by the Planning Director. Other changes in occupancy, such as, like for like tenant changes, new tenants established within existing buildings, and/or intensification of tenant uses shall be subject to building permit plan check review to verify compliance with parking and the Specific Plan review.

| <u>REGIONAL COMMERCIAL</u> | | <u>PUBLIC AND SEMI-PUBLIC</u> | | |
|---|--|-------------------------------|-----------------------------|--------------------------|
| Aquarium | | | | Day Care Facilities |
| Banks and other financial institutions | | | | Government Offices |
| * Commercial recreation and live entertainment | | | | Public Safety Facilities |
| Food Markets (Specialty Markets -max. 10,000 sq. ft.) | | | Utilities and Communication | Facilities |
| General Retail | | | Parking | |
| Day Spa | | | -surface | |
| Hotels, Motels | | | -structured | |
| Movie Theaters | | | -valet | |
| Restaurants | | | | |
| -with outdoor dining | | | | |
| - with alcohol sales | | | | |
| -* with live entertainment and dancing | | | | |
| - drive-through bakery (limited to one location) | | | | |
| Personal Services | | | | |
| OFFICE | | | | |
| Business and Professional | | | | |
| OTHER PERMITTED RETAIL | | | | |
| Car stereo and alarm installation, if integrated into an anchor/major retail building and located within a building | | | | |
| Portable carts and kiosks | | | | |

Note: Other similar uses may be permitted subject to review by the Planning Director.
 * Requires an entertainment permit

Permitted Uses Chart Area A

Exhibit 11

| ISSUE | DEVELOPMENT STANDARDS |
|---|--|
| Minimum Project Area (AC) | 5045 |
| Minimum Lot Size (AC) | None |
| Minimum Lot Frontage | None |
| Maximum Building Height | 75 feet |
| Maximum Number of Stories | 4 stories |
| Maximum Additional Height for parapet walls, mechanical equipment, communication antennas, etc. | 15 feet |
| Maximum Architectural Feature Height | 120 feet |
| Maximum Lot Coverage | 50% |
| Maximum Floor Area Ratio | 0.5 |
| Minimum Setback * | 50 feet, or 25 feet if setback is fully landscaped |
| Street side (Edinger Ave., Beach Blvd. and Center Ave.) | 10 feet |
| Interior side (West Property Line) | 8% of total site; 10% of common area |
| Minimum Landscaping | |
| Minimum Perimeter Landscaping | |
| Street side (Edinger Ave., Beach Blvd. and Center Ave.) | 10 feet |
| Interior side (West Property Line) | 5 feet |
| Minimum Standard Parking Stall Size | 9 feet x 19 feet |
| Minimum Compact Parking Stall Size | 8 feet x 18 feet |
| Minimum Drive Aisle Width | 26.5 feet for 90 degree stalls |
| Minimum Parking Required | Shared parking based upon joint use of parking analysis with Site Plan Review |
| Maximum Compact Spaces | 20% of total spaces |
| Handicapped Parking | Comply with Uniform Building Code and Title 24 |
| Parking Structure Design | Comply with Zoning and Subdivision Ordinance |
| Public Amenity Requirement | Minimum of Six public amenities required; At least two public art elements and two water features within common area |
| Wireless Communication Facilities | Comply with Zoning and Subdivision Ordinance |
| Transportation Demand Management | Comply with Zoning and Subdivision Ordinance |

*Buildings exceeding fifty (50) feet in height shall increase the set back by one (1) foot for each one (1) foot of building height above fifty (50) feet.

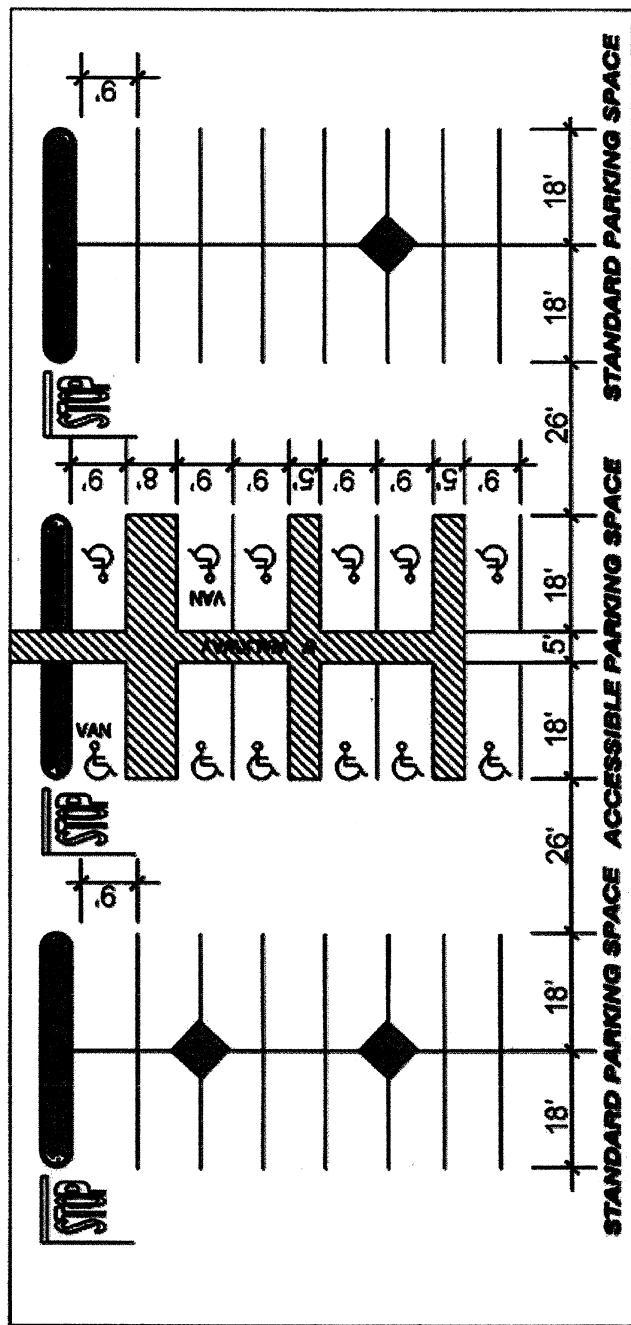
Development Regulations Chart Area A

Exhibit 12

The Crossings at Huntington BeachBella Terra Specific Plan

August 7, 2000-October 14, 2008

TYPICAL PARKING LAYOUTS



Shall include double hairpin stripe as required by HBZSO

Parking Standards & Detail Exhibit 13

The Crossings at Huntington Beach Bella Terra Specific Plan

90

August 7, 2000–October 14, 2008

4.3.8 Parking. All developments will be required to meet the minimum on-site parking standards as provided in this Specific Plan document. The following shall apply:

- Standard parking stall size may be nine (9) feet wide by nineteen (19) feet deep and may be reduced to provide a landscape curb or wheel stop (in parking structure) at seventeen (17) feet with a two (2) foot overhang to expand the landscaping. This additional landscape area will not be credited toward the required landscape percentage or minimum landscape width.
- A compact parking stall size of eight (8) feet, zero (0) inches wide by eighteen (18) feet deep may be proposed, for up to a maximum of twenty (20) percent of the total proposed parking spaces. All compact parking stalls shall be concentrated around the perimeter of the site and shall be prohibited within the parking structure.
- Total parking required by the Huntington Beach Zoning and Subdivision Ordinance (see below) shall be installed for each project prior to final building inspection.
- Parking shall be provided in accordance with an approved Shared Parking Study. A shared parking program may allow for a reduction of the code required parking by up to twenty five (25) percent, based upon a shared parking analysis. It is estimated that the New Shared Parking Study will suggest a ratio of 4.5 spaces for every 1,000 square feet of development.
- Handicap accessible parking spaces shall be provided as required by the Uniform Building Code and Title 24.

4.3.9 Parking structures shall be designed utilizing the massing and basic design characteristics and Italian Village architectural guidelines found in this Specific Plan. The structures shall be screened from view using trees and landscaping.

Parking structures in Area A shall include exterior, open-air stairwells in the design of the parking structure. Stairwells shall be built to allow pedestrians to be seen in the stairwell from outside of the structure, and allowing the same pedestrians to see out.

Parking structure lighting shall be a minimum level of three foot-candles; preferably metal halide. Use lighting in the center of the parking structure aisles that throws light to the side, thus lighting pedestrians and parked cars. Design the structures to allow as much natural light into the structures as possible. All interior wall surfaces in the structures shall be painted white to reflect ambient light.

The structures shall follow the City of Huntington Beach Police Department Crime Prevention through Environmental Design Guidelines.

4.3.10 Drive-Through Bakery shall comply with the following Design and Development Standards:

- The building shall be the predominant visual element along street frontages, not parking lots or drive-through lanes.
- Drive-through aisles shall be screened from streets and from adjacent parking areas.
- Drive-through aisles shall provide adequate on-site queuing distance to accommodate five cars (150 feet) before the first stopping stop (e.g. menu board, ordering speaker). No portion of the queuing aisle should serve as a parking aisle.
- Drive-through lanes shall not exit directly to the site's main entrance. Drive-through aisles shall provide at a minimum 25-foot interior radius for any curve.
- The main structure should be sited so as to maximize the distance for vehicle queuing while screening the drive-through operations.
- All building elevations shall comply with the architectural guidelines as specified herein.
- Buildings shall incorporate a full roof with built-in roof top wells for mechanical equipment screening.
- A canopy shall be provided over the drive-through lane at the pick-up window. The canopy shall be architecturally compatible and fully integrated as part of the building design.
- No individual freestanding or pole signs shall be permitted for drive-through uses.
- A maximum of one drive-through bakery shall be permitted on the 63 acre site are A and B.

4.4 DEVELOPMENT STANDARDS AREA B

The Development Standards shall serve as the mechanism for the implementation of Bella Terra Area B land uses. The standards set forth in this section will assure that future development within Bella Terra Area B is implemented in a manner consistent with the intent of the project area Master Plan. The standards contained herein provide flexible mechanisms to anticipate future needs and achieve compatibility between land uses and the surrounding community. Standards and guidelines are designed to be compatible with the existing land use categories of the City. The primary land uses in Bella Terra Area B shall be regional commercial, retail, dining, entertainment, business, office and mixed-use high density residential.

4.4.1 Permitted Uses. Permitted uses shall be required to meet all applicable provisions of the Huntington Beach Zoning and Subdivision Ordinance Code. A list of permitted uses is provided in Exhibit 14.

4.4.2 Intensity. The maximum intensity shall be consistent with the City's General Plan.

4.4.3 Building height. The maximum allowable building height shall be one hundred thirty-five (135) feet; a maximum of four (4) stories shall be permitted within 65 feet of back of sidewalk along Edinger Avenue; a maximum of six (6) stories permitted on the remainder of the site, and up to a maximum of ten (10) stories permitted on the northern one-third portion of the site. Rooftop mechanical equipment and parapet walls may exceed the maximum permitted building height by fifteen (15) feet, however mechanical equipment shall be screened from view. Special themed architectural structures or elements such as towers or domes may be allowed up to one hundred-twenty (120) feet.

4.4.4 Setbacks. Refer to Exhibit 12.

4.4.5 Landscaping. Landscaping shall be permanently maintained in an attractive manner in all setback, parking lot, and recreation areas fronting on, or visible from, adjacent public streets. Decorative design elements such as fountains, pools, benches, and sculpture, plants and similar elements may be permitted, provided such elements are incorporated as an integral part of the landscaping.

4.4.6 Signs. All signs in the project area shall conform to the provisions of the sign standards in the Bella Terra Planned Sign Program.

4.4.7 Lighting. All illumination of interior circulation streets, parking areas, and project sites, shall be coordinated to provide consistent illumination intensity. Emphasis shall be placed on areas of high vehicular and pedestrian

activity. Light fixtures and standards shall be consistent with building architectural style. Public streetlights shall comply with the City of Huntington Beach guidelines for street lighting.

4.4.8 Minimum Dwelling Unit Size shall be 450 square feet.

4.4.9 Common Residential Recreation Areas shall be provided within the residential common area and shall be allocated as a total of 150 square feet per dwelling unit, a minimum of 60 square feet of which shall be private patio or balcony for the exclusive use of the unit it serves. The minimum 60 square feet of private open space per unit shall have no dimension less than six (6) feet. Enclosed recreation areas, such as a clubhouse, may be utilized to fulfill not more than fifteen percent (15%) of the overall common residential recreation requirement. The remaining area shall be supplied out-of doors pursuant to this section.

Recreation areas shall include a minimum of one amenity such as: game courts or rooms, swimming pools, sauna baths, putting greens, play lots, or other similar type areas serving all residents of the development; but shall not include balconies, decks or areas used exclusively for pedestrian access ways. Game courts, swimming pools or putting greens situated on top of a parking structure may be considered as recreation area. Recreation areas shall not be located within ten (10) feet of the wall of any ground floor unit having a door or window, or within five (5) feet of any other wall. Also, all common recreation area shall have a minimum of width and length of twenty (20) feet.

4.4.10 Sustainable or “Green” Building practices shall be incorporated into the design of the proposed structures and associated site improvements. Sustainable building practices shall include (but are not limited to) those recommended by the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Program certification or Build It Green’s Green Building Guidelines and Rating Systems. In addition at least one building (minimum 1,000 square feet in size) shall be LEED certified.

4.4.11 Affordable Housing A minimum of 15% of the total units shall be provided as affordable housing and shall meet the minimum standards of Section 230.26 of the Huntington Beach Zoning and Subdivision Ordinance as well as the California Redevelopment Law. In the event of any inconsistencies between the local and state requirements, the more restrictive policies and requirements shall apply. Prior to the issuance of the first residential building permit, an Affordable Housing Plan and Agreement shall be subject to review and approval by the City Council and the Agreement shall be recorded at the Orange County Clerk Recorder’s Office.

| <u>REGIONAL COMMERCIAL</u> | <u>PUBLIC AND SEMI-PUBLIC</u> | <u>Residential Area B Only</u> |
|--|---|---|
| Aquarium | Day Care Facilities | Attached Mixed-Use High Density Residential |
| Banks and other financial institutions | Government Offices | Detached Mixed-Use High Density Residential |
| * Commercial recreation and live entertainment | Public Safety Facilities | |
| Food Markets | Utilities and Communication Facilities | |
| <u>General Retail</u> | Parking -surface -structured -valet | |
| Day Spa | | |
| Hotels, Motels | | |
| Movie Theaters | | |
| Restaurants | -with outdoor dining - with alcohol sales * with live entertainment and dancing - drive-through bakery (limited to one location) | |
| Personal Services | | |
| <u>OFFICE</u> | Business and Professional | |
| | <u>OTHER PERMITTED RETAIL</u> | |
| | Car stereo and alarm installation, if integrated into an anchor/major retail building and located within a building | |
| | Portable carts and kiosks | |

*Note: Other similar uses may be permitted subject to review by the Planning Director.
* Requires an entertainment permit*

Permitted Uses Chart Area B

Exhibit 14

| ISSUE | DRAFT ZONING STANDARDS |
|---|---|
| Minimum Project Area (AC) | 15 |
| Minimum Lot Size (AC) | None |
| Minimum Lot Frontage | None |
| Maximum Building Height | 135 feet |
| Maximum Number of Stories | 4 stories along Edinger Avenue, 6 stories with min. 65 ft. setback from Edinger Avenue and on the majority of the site; and up to 10-stories on northern one-third portion of the site. |
| Maximum Additional Height for parapet walls, mechanical equipment, communication antennas, etc. | 15 feet |
| Maximum Architectural Feature Height | 120 feet |
| Maximum Lot Coverage | 50% |
| Maximum Floor Area Ratio | 1.75 with limitations specified in General Plan |
| Maximum Setback * | Min. 0 feet - Max 25 ft. setback if fully landscaped; a greater setback is allowed if angled parking is provided along Edinger Avenue 10 feet |
| Minimum Landscaping | 8% of total site; 10% of common area |
| Minimum Perimeter Landscaping | 10 feet |
| Street side (Edinger Ave. and Center Ave.) | 5 feet |
| Interior side (West and East Property Line) | 15 feet if height less than 30 feet, 20 feet for height greater than 30 feet. |
| Minimum Distance Between Buildings | 450 square feet |
| Minimum Dwelling Unit Size | 150 square feet/dwelling unit; 60 square feet of which must be private |
| Minimum Residential Open Space | 9 feet x 19 feet |
| Minimum Standard Parking Stall Size | 26 feet for 90 degree stalls |
| Minimum Drive Aisle Width | Shared parking based upon joint use of parking analysis with Site Plan Review |
| Minimum Parking Required | 4.5 per acre with limitations specified in General Plan |
| Maximum Dwelling Units | Comply with Uniform Building Code and Title 24 |
| Handicapped Parking | Comply with Uniform Building Code and Title 24 |

Development Regulations Chart Area B (Chart 1 of 2)

Exhibit 15

The Crossings at Huntington Beach Bella Terra Specific Plan

| | |
|---|--|
| <u>Parking Structure Design</u> | Comply with Zoning and Subdivision Ordinance |
| <u>Public Amenity Requirement for Area A and B combined</u> | Minimum of Six public amenities required; At least two public art elements and two water features within common area |
| <u>Wireless Communication Facilities</u> | Comply with Zoning and Subdivision Ordinance |
| <u>Transportation Demand Management</u> | Comply with Zoning and Subdivision Ordinance |
| <u>Minimum Residential Storage Area</u> | Average 50 cubic feet per dwelling unit |
| <u>Sustainable or "Green" Building</u> | Refer to Section 4.4.10 |
| <u>Minimum Affordable Housing</u> | Refer to Section 4.4.11 |

Development Regulations Chart Area B (Chart 2 of 2)
Exhibit 15

4.4.12 Parking All developments will be required to meet the minimum on-site parking standards as provided in this Specific Plan document. The following shall apply:

- Standard parking stall size may be nine (9) feet wide by nineteen (19) feet deep and may be reduced to provide a landscape curb or wheel stop (in parking structure) at seventeen (17) feet with a two (2) foot overhang to expand the landscaping. This additional landscape area will not be credited toward the required landscape percentage or minimum landscape width.
- Tandem parking may be included for residential uses but will not be counted toward minimum required parking spaces.
- Total parking required by the Huntington Beach Zoning and Subdivision Ordinance (see below) shall be installed for each project prior to final building inspection.
- Parking shall be provided in accordance with an approved Shared Parking Study. A shared parking program may allow for a reduction of the code required parking by up to twenty five (25) percent, based upon a shared parking analysis.
- Handicap accessible parking spaces shall be provided as required by the Uniform Building Code and Title 24.

4.4.13 Parking structures shall be designed utilizing the massing and basic design characteristics and Southern European architectural guidelines found in this Specific Plan. The structures shall be screened from view using trees and landscaping. Parking structures in Area B may be wrapped with retail and residential.

Parking structure lighting shall be a minimum level of three foot-candles; preferably metal halide. Use lighting in the center of the parking structure aisles that throws light to the side, thus lighting pedestrians and parked cars. All interior wall surfaces in the structures shall be painted white to reflect ambient light.

The structures shall follow the City of Huntington Beach Police Department Crime Prevention through Environmental Design Guidelines.

4.5 TEMPORARY AND SEASONAL EVENTS: The following temporary and seasonal events may be permitted outdoors within the centers Area A and B public common areas ~~interior common areas~~ only. The following temporary and seasonal events located within the parking lot shall follow permit procedures described in the Huntington Beach Zoning and Subdivision Ordinance.

| TEMPORARY AND SEASONAL EVENTS AREAS A AND B | |
|--|--|
| Art Shows | |
| Auto Shows | |
| Carnivals | |
| Circus | |
| Commercial Filming | |
| Concerts | |
| Farmer's Market | |
| Fund Raisers | |
| Health Fairs | |
| Live Entertainment | |
| Miscellaneous Exhibitions | |
| Outdoor Retail Sales | |
| Pet Shows | |
| Seasonal Displays and Events | |
| Flower Shows | |
| Bake Sales | |
| Wine Tastings | |
| Samples Sales | |
| Trunk Shows—Bridal & New Line Ups | |
| Theatrical Performances | |
| Food Demonstrations | |
| Sports Demonstrations | |

Note: Other similar temporary uses may be permitted subject to review by the Planning Director.

Temporary and Seasonal Events Chart

Exhibit 11B16

The Crossings at Huntington Beach Bella Terra Specific Plan

99

August 7, 2000–October 14, 2008

Development Regulations Check List
Exhibit 14

100

The Crossings at Huntington Beach Bella Terra Specific Plan

August 7, 2000 - October 14, 2008

ATTACHMENT NO. 6.100

APPENDIX A

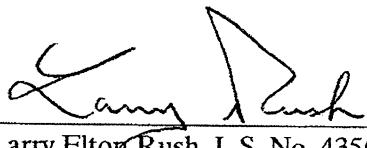
ATTACHMENT NO. 6.101

EXHIBIT "A"

**LEGAL DESCRIPTION OF
BELLA TERRA - OVERALL**

In the City of Huntington Beach, County of Orange, State of California, being Parcels 1 through 10, inclusive of Parcel Map No. 2003-163 as per map filed in Book 358, Pages 1 through 9, inclusive of Parcel Maps in the office of the County Recorder of said County, together with Parcel 1 of Parcel Map No. 86-200 as per map filed in Book 255, Pages 40 through 45, inclusive of said Parcel Maps.

As shown on Exhibit "B" attached hereto and by this reference made a part hereof.



Larry Elton Rush, L.S. No. 4356
License Expires: June 30, 2009
Date: 8/18/08



August 18, 2008
WO No. 3337-1X
Page 1 of 1
H&A Legal No. 7216
By: L. Rush
Checked By: R. Williams/lr

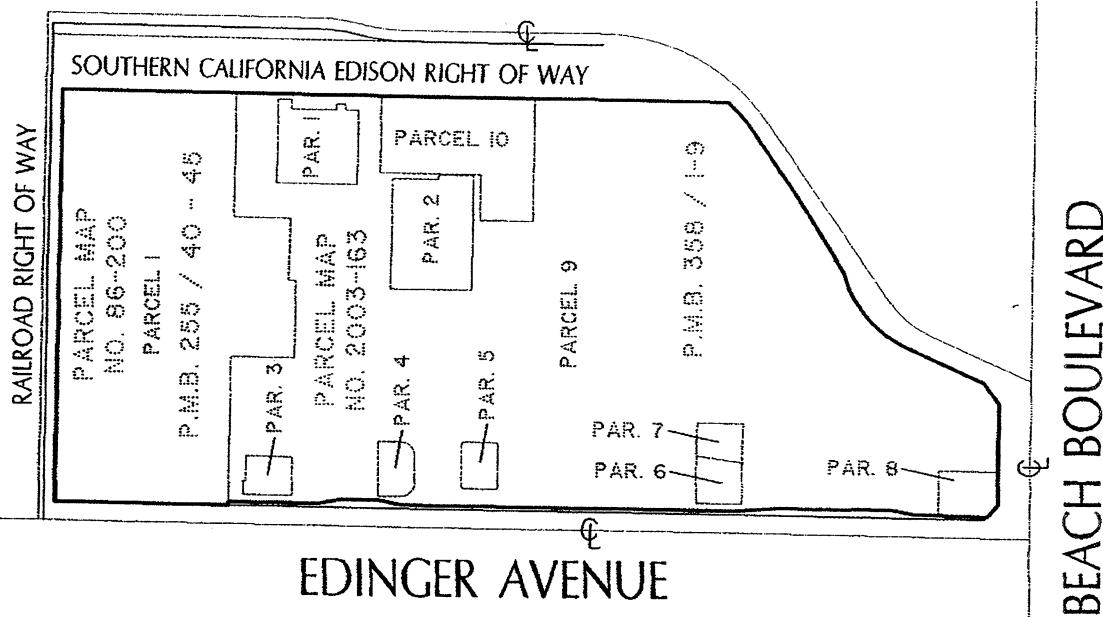
ATTACHMENT NO. 6.102

EXHIBIT "B"

Sketch to Accompany Legal Description



CENTER AVENUE



| | | | | | | |
|---|---------------------------------------|-----------------|--------------------|--|--|--|
| H & A | HUNSAKER & ASSOCIATES IRVINE, INC. | | | | | |
| PLANNING • ENGINEERING • SURVEYING | | | | | | |
| Three Hughes • Irvine, CA 92618 • Ph: (949) 583-1010 • Fx: (949) 583-0759 | | | | | | |
| DATE: 8-18-08 | REV. DATE --- | DWG By T. VO | CK'd By L. RUSH | | | |
| FILE: I:\BELLA TERRA\LD\7216\Sht01.dwg | SCALE: 1" = 500' W.O. 3337-1X | | | | | |
| H&A LEGAL No. 7216 | | SHEET 1 OF 1 | | | | |

EXHIBIT

CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA

ATTACHMENT NO. 6-103

General Plan Consistency Analysis includes attached analysis from the existing SP No. 13 in combination with General Plan analysis in the staff report

APPENDIX B

B. General Plan Consistency Analysis

California State law requires that all cities and counties have a long-range general plan for their physical development. Once a local government has adopted its General Plan, it must be implemented, and local governments have a range of implementation tools from which to select. Most mechanisms for implementing a City's general plan derive from local government's corporate and police powers, such as: construction of streets, acquisition and development of parks, zoning, subdivision regulations, school dedication requirements, code enforcement, environmental and design review procedures and redevelopment.

A specific plan is an effective implementation tool that is often used to address a single project or a master planned project such as the Crossings at Huntington Beach. The Specific Plan provides a bridge between the broad General Plan policies and individual project submittals (site plans, subdivision proposals, etc.) in a more area-specific manner than is possible with community wide zoning ordinances. As a result, a specific plan's emphasis focuses on establishing guidelines and concrete development standards to supplement those of the general plan. Specific plans must be consistent with all facets of the general plan, including the policy statements contained within the general plan document. In turn, zoning, subdivisions, and public works projects must be consistent with the Specific Plan.

The Crossings at Huntington Beach Specific Plan contains detailed regulations, guidelines and implementation measures that will serve as a guide, providing consistency with the City's General Plan and standards and guidelines by which future development will be approved.

This section explains how the Crossings at Huntington Beach Specific Plan achieves consistency with the City of Huntington Beach General Plan. The four (4) points listed below provide the basis for the consistency analysis contained in this section.

1. California Government Code Section 65450-65553 permits adoption and administration of Specific Plans as an implementing tool for the General Plan.
2. The current General Plan designation for the site is "Commercial Regional" with a Floor Area Ratio (F.A.R.) of 0.5, a specific plan overlay, and a mixed-use overlay. The mixed-use overlay would allow 0.5 commercial FAR and 25/units/acre. The site is currently zoned "CG" General Commercial with a 1.5 FAR. The more restrictive 0.5 General Plan FAR takes precedence. The adoption of the Specific Plan will supersede the existing zoning and adopt a new set of zoning regulations. Adoption of the Specific Plan is consistent with the General Plan; therefore, a General Plan amendment is not required.
3. The Specific Plan must be consistent with the General Plan and serve to implement all aspects of the General Plan as it applies to the designated area.
4. The City of Huntington Beach's General Plan Update, adopted in 1995, is comprised of 16 separate elements: 1) land use, 2) urban design, 3) housing, 4) historic and cultural resources, 5) economic development, 6) growth management, 7) circulation, 8) public facilities and public services, 9) recreation and community services, 10) utilities, 11) environmental resources/conservation, 12) air quality, 13) environmental hazards, 14) noise, 15) coastal and 16) hazardous materials. The following provides a brief discussion of these

Elements, which are applicable to the project including a listing of applicable goals and policies. Although the General Plan identifies objectives within each element, the policies actually implement the objectives and therefore provide more specific criteria of how the identified goals will be achieved. The discussion below indicates how the Specific Plan project meets the applicable policies.

1. LAND USE ELEMENT

The Land Use Element (LUE) for the City of Huntington Beach General Plan provides for the types, density/intensity, design, and distribution of commercial, residential, industrial, and agricultural land uses as well as public and private open space. The LUE includes goals designed to serve as a general guide for the future development of Huntington Beach in terms of location of uses, allowable residential densities, and other criteria.

The LUE designates the 63-acre Crossings at Huntington Beach project site as Commercial Regional (CR) with a maximum building height of four (4) stories. Typical permitted uses of the Commercial Regional designation are anchor department stores, outlet stores, promotional ("big box") retail, retail commercial, restaurants, entertainment, professional offices, financial institutions, automobile sales facilities, and similar region-serving uses. The site is also designated as sub-area 5A in the General Plan with specific design and development standards for the mall property.

The primary goal of the Land Use Element is to provide guidance regarding the manner in which lands are to be used in the City of Huntington Beach. Applicable goals include:

- Achieve development that maintains or improves the City's fiscal viability and reflects economical demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.
- Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.
- Achieve and maintain a high quality of architecture, landscape, and public open spaces in the City.
- Ensure that significant environmental habitats and resources are maintained.
- Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.
- Achieve a pattern of land uses that preserves, enhances, and establishes a distinctive identity for the City's neighborhoods, corridors, and centers.
- Achieve the development of a range of commercial uses.
- Achieve new development that enhances the City's quality of development and sense of place, goals for community character, and preserves significant historical resources.

The following applicable Land Use Element policies are identified below, followed in *italic* typeface by an explanation of how the Crossings at Huntington Beach Specific Plan achieves consistency.

Correlation of Land Use Development with Market Demands

Policies

LU 1.1.1

Establish incentives for the development of uses to support the needs and reflect the economic demands of City residents and visitors.

The majority of the Specific Plan area will be developed in a single phase as outlined in Section 2.1 of the document. However, individual building pads may be developed in later phases along with expansions to the initial phase of construction. This approach will ensure that future economic development opportunities will be implemented dependent upon market conditions. Additionally, the Specific Plan allows for flexibility in the Specific Plan Development Regulations. This flexibility in development standards is intended to accommodate future market trends and tenant needs, without sacrificing the intended high-quality character of the project area.

During the formulation of the Specific Plan, staff identified uses to be permitted and prohibited within the document. "Future permitted uses" have the incentive of a "fast track" entitlement process since their approval shall be determined via the Planning Director vs. the Planning Commission or City Council.

LU 1.1.2

Promote development in accordance with the Economic Development Element.

The Specific Plan will encourage future development by promoting a comprehensive planned commercial project and allowing for future "fast-track" entitlement. This Specific Plan will promote development in accordance with the Economic Development Element. Additionally, the landowner is promoting development through its internal marketing strategies and real estate brokers.

Correlation of Land Use Development with Supporting Public Infrastructure and Services

Policies

LU 2.1.1

Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (as defined in the Circulation and Public Utilities and Services Elements of the General Plan).

The Specific Plan area will be developed in a manner that would allow for private development to occur in a timely manner with an overall Master Plan concept.

The Crossings at Huntington Beach Specific Plan shall ensure the provision of adequate public facilities and utilities to serve the proposed project. A Circulation Plan, and Public Facilities Plan for water, wastewater and storm drainage will be prepared for the project consistent with all standards and requirements of the applicable service agencies (refer to Sections 3.3 and 3.4 of the Specific Plan). These plans will be approved by the City, and the landowner will be constructing public infrastructure as required by the City in order to support the land uses proposed by the Specific Plan.

Additionally, once a definitive site plan and development project is proposed, an Environmental Assessment will be performed, which will analyze impacts peculiar to development proposed for the Crossings at Huntington Beach Specific Plan, and propose mitigation measures, as necessary. According to Public Resources Code Section 21083.3(b), "If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division [CEQA] to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report." Based upon Public Resource Code Section 21083.3 and the fact that the Specific Plan project falls within the development envelope analyzed in the General Plan EIR, the Crossings at Huntington Beach Specific Plan is currently exempt from preparation of an environmental assessment until a site plan is submitted for approval by the City.

LU 2.1.2

Require that the type, amount, and location of development be correlated with the provision of adequate supporting infrastructure and services (as defined in the Circulation and Public Utilities and Service Elements).

Development will be correlated with infrastructure needs. Section 3.0 of the Specific Plan presents several conceptual development plans and discusses the circulation, public facilities and infrastructure improvements which will support the Land Use Plan and reinforce the design concept. Implementation of the proposed project will occur in a single phase, and it will be consistent with the intent of the Master Plan Concept.

LU 2.1.3

Limit the type, location, and/or timing of development where there is inadequate public infrastructure and/or services to support land use development.

Development will be correlated with infrastructure needs. Section 3.0 of the Specific Plan presents several conceptual development plans and discusses the circulation, public facilities and infrastructure improvements which will support the Land Use Plan and reinforce the design concept. Implementation of the proposed project will occur in a single phase, and it will be consistent with the intent of the Master Plan Concept.

Quality of the City's Built Environment

Policies

LU 4.1.1

Require adherence to or consideration of the policies prescribed for Design and Development in this Plan, as appropriate.

Design Guidelines and Development Regulations are included as Sections 3.5 and 4.0 of the Specific Plan. Section 3.5 establishes a comprehensive set of design guidelines for the entire project area and for individual project development, while Section 4.0 presents a detailed description of the development regulations and standards which are necessary to guide and control new development and carry out the goals and policies of the Specific Plan and the City's General Plan.

LU 4.1.2

Require that an appropriate landscape plan be submitted and implemented for development projects subject to discretionary review.

Landscape standards which require development proposals to submit and implement a landscape plan consistent with the overall Specific Plan standards are included as Section 3.5.5 of the Specific Plan. The landscape standards will apply to all development within the Specific Plan.

LU 4.1.3

Require property owners to maintain landscaping, remove and abate weeds, and replace unhealthy or dead landscape.

Landscape standards which require development proposals to submit and implement a landscape plan consistent with the overall Specific Plan standards are included as Section 3.5.5 of the Specific Plan. The landscape standards will apply to all development within the Specific Plan.

LU 4.1.4

Encourage developers to incorporate mature and specimen trees and other significant vegetation, as defined by the City, that may exist on a site into the design of a development project for that site.

Landscape standards which require development proposals to submit and implement a landscape plan consistent with the overall Specific Plan standards are included as Section 3.5.5 of the Specific Plan. The landscape standards will apply to all development within the Specific Plan. The Landscape Plan also requires incorporation of mature and specimen trees that may exist on a site into the design.

LU 4.1.5

Consider creating incentives for the use of drought-tolerant species in landscape design.

Landscape standards which require development proposals to submit and implement a landscape plan consistent with the overall Specific Plan standards are included as Section 3.5.5 of the Specific Plan. The landscape standards will apply to all development within the Specific Plan.

Policies for the use of drought-tolerant species in landscape design is also addressed in Section 3.0 of the Specific Plan and will be reviewed with the plans for development of individual parcels.

LU 4.1.6

Require that commercial and industrial development incorporate adequate drought-conscious irrigation systems and maintain the health of the landscape.

Landscape standards which require development proposals to implement a landscape plan consistent with the overall Specific Plan standards are included as Section 3.5.5 of the Specific Plan. The landscape standards will apply to all development within the Specific Plan.

The incorporation of adequate drought-conscious irrigation systems and maintenance of the health of the landscape is also addressed in Section 3.5.5 of the Specific Plan and will be reviewed with the plans for development of individual parcels.

LU 4.1.7

Require that all commercial and industrial landscape be adequately irrigated with automatic irrigation systems.

Landscape standards which require development proposals to submit and implement a landscape plan consistent with the overall Specific Plan standards are included as Section 3.5.5 of the Specific Plan. The landscape standards will apply to all development within the Specific Plan.

The incorporation of automatic irrigation systems is also addressed in Section 3.5.5 of the Specific Plan and will be reviewed with the plans for development of individual parcels.

LU 4.1.8

Use reclaimed water for the irrigation of public and private landscape, as feasible.

The City does not currently have a reclaimed water supply system available. As indicated in Section 3.5.5 of the Specific Plan, reclaimed water shall be utilized where and whenever feasible and shall comply with the City's "Water Efficient Landscape Requirements" (Ordinance #1452). Usage will be addressed with future individual requests for development if such a system is available at that time.

LU 4.2.1

Require that all structures be constructed in accordance with the requirements of the City's building and other pertinent codes and regulations; including new, adaptively re-used, and renovated buildings.

Upon the City's adoption of the Crossings at Huntington Beach Specific Plan, the development procedures, regulations, standards and specifications of the Specific Plan shall supersede the relevant provisions of the City's zoning code (Huntington Beach Zoning and Subdivision Ordinance), as they currently exist or may be amended in the future. Section 4.0 Development Regulations of the Specific Plan provides specific development regulations and standards that will be applied to the Land Use Plan of this Specific Plan. All development regulations and building specifications related to new, adaptively reused, and renovated buildings not addressed in the Specific Plan shall be subject to the City's adopted regulations in place at the time of any individual request.

Additionally, once a site plan is proposed for development, an Environmental Assessment will be performed, which will analyze impacts peculiar to development proposed for the Crossings at Huntington Beach Specific Plan, and propose mitigation measures, as necessary. According to Public Resources Code Section 21083.3(b), "If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division [CEQA] to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report." Based upon Public Resource Code Section 21083.3

and the fact that the Specific Plan project falls within the development envelope analyzed in the General Plan EIR the Crossings at Huntington Beach Specific Plan is currently exempt from preparation of an environmental assessment until a site plan is submitted for approval by the City.

LU 4.2.4

Require that all development be designed to provide adequate space for access, parking, supporting functions, open space, and other pertinent elements.

Section 3.5 Design Guidelines and Section 4.0 Development Regulations of the Specific Plan include requirements for parking, access requirements, supporting functions, open space, etc.

LU 4.2.5

Require that all commercial, industrial, and public development incorporate appropriate design elements to facilitate access and use as required by State and Federal Laws such as the Americans with Disabilities Act.

Upon the City's adoption of the Crossings at Huntington Beach Specific Plan, the development procedures, regulations, standards and specifications of the Specific Plan shall supersede the relevant provisions of the City's zoning code (Huntington Beach Zoning and Subdivision Ordinance), as they currently exist or may be amended in the future. Section 4.0 Development Regulations of the Specific Plan provides specific development regulations and standards that will be applied to the Land Use Plan of this Specific Plan. All development regulations and building specifications not addressed in the Specific Plan shall be subject to the City's adopted regulations in place at the time of any individual request. Appropriate design elements to facilitate access and use shall be incorporated in accordance with State and Federal Laws (refer to Section 3.5 Design Guidelines of the Specific Plan).

LU 4.2.6

Monitor the conditions of buildings in the City and enforce pertinent building, municipal and zoning codes to ensure their maintenance and quality.

Upon the City's adoption of the Crossings at Huntington Beach Specific Plan, the development procedures, regulations, standards and specifications of the Specific Plan shall supersede the relevant provisions of the City's zoning code (Huntington Beach Zoning and Subdivision Ordinance), as they currently exist or may be amended in the future. Section 4.0 Development Regulations of the Specific Plan provides specific development regulations and standards that will be applied to the Land Use Plan of this Specific Plan. All development regulations and building specifications not addressed in the Specific Plan shall be subject to the City's adopted regulations in place at the time of any individual request.

Types and Densities of Land Use to be Permitted

Policies

LU 7.1.1

Accommodate existing uses and new development in accordance with the Land Use and Density Schedules (Table LU-2 - see below).

Table LU-2
Land Use Density and Intensity Schedule

| Land Use Category | Typical Permitted Uses |
|-------------------|---|
| COMMERCIAL | Anchor department stores, outlet stores, promotional ("big box") retail, retail commercial, restaurants, entertainment, professional offices, financial institutions, automobile sales facilities, and similar region-serving uses. |
| REGIONAL | |

The Specific Plan area will accommodate the development of a balance of land uses that maintains the City's fiscal viability and integrity of environmental resources. The proposed permitted land uses are consistent with the City's General Plan for the site. Individual building pads may be developed in later phases along with expansions to the initial phase of construction. This approach will ensure that future economic development opportunities will be implemented dependent upon market conditions. Additionally, the Specific Plan allows for flexibility in the Specific Plan Development Regulations. This flexibility in development standards is intended to accommodate future market trends and tenant needs, without sacrificing the intended high-quality character of the project area.

LU 7.1.6

Accommodate the development of additional jobs-generating land uses that improve the 1992 jobs to housing ratio of 0.82 to 1.0 or greater; to meet objectives of the Regional Comprehensive Plan (Southern California Association of Governments) and Air Quality Management Plan. These should capitalize upon existing industrial strengths and emphasizing the clustering of similar or complementary industries.

The Specific Plan permits and encourages jobs-generating land uses that will assist in improving the 1992 jobs to housing ratio.

Additionally, during the formulation of the Specific Plan, staff identified uses to be permitted and prohibited within the document. "Future permitted uses" have the incentive of a "fast track" entitlement process since their approval shall be determined by the Planning Director vs. the Planning Commission or City Council.

Distribution and Pattern of Development

Policies

LU 8.1.1

Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the Land Use Plan Map, and in accordance with the principles discussed below.

- a. Enhance a network of interrelated activity centers and corridors by their distinct functional role, activity, and/or form and scale of development.
- b. Increase diversification of community and local commercial nodes to serve adjacent residential neighborhoods.
- c. Intermix uses and densities in large-scale development projects.

- d. Site development to capitalize upon potential long-term transit improvements.
- e. Establish linkages among community areas, which may include pedestrian and vehicular paths, landscape, signage, other streetscape elements, open space, transitions in forms, scale, and density of development, and other elements.

The Specific Plan area will accommodate the development of a balance of land uses consistent with the patterns and distribution of use and intensity depicted on the Land Use Plan Map, specifically, regional commercial uses.

Commercial Regional

Permitted Uses

Policies

LU 10.1.14

Encourage the incorporation of community-oriented facilities in regional commercial developments, such as telecommunications centers, public meeting rooms, daycare facilities, and cultural uses.

The Crossings at Huntington Beach Specific Plan development concept outlined in Section 3.0 of the Specific Plan provides for a planned Commercial Regional complex in the City of Huntington Beach allowing for a variety of uses, consistent with the goals and policies of the Huntington Beach General Plan.

During the formulation of the Specific Plan, staff also identified uses to be permitted and prohibited within the document. Future permitted uses include telecommunication centers, public meeting rooms, daycare facilities, and cultural uses.

Design and Development

LU 10.1.15

Require that regional commercial developments be designed to convey the visual sense of an integrated center by consideration of the following principles:

- use of multiple building volumes and masses and highly articulated facades to reduce the visual sense of large scale “boxes”;
- use of roofline or height variations to visually differentiate the building massing and incorporation of recesses and setbacks on any elevation above the second floor above grade;
- siting of a portion of the buildings in proximity to their primary street frontage to convey a visual relationship to the street and sidewalks;
- design of the exterior periphery of the structures to contain shops, restaurants, display windows, and other elements that provide visual interest to parking areas and the street elevation;
- inclusion of a “public square” as a gathering place of public activity in multi-tenant regional centers;
- clear identification of building entrances;
- use of landscape that provides a three-dimensional character;

- encourage the provision of public art;
- inclusion of consistent and well-designed signage integrated with the building's architectural character, including pedestrian-oriented signage; and
- design of parking structures to be visually integrated with the commercial buildings.

Section 3.5 Design Guidelines and Section 4.0 Development Regulations of the Specific Plan address these issues. The Crossings at Huntington Beach Specific Plan provides the framework and guidelines necessary to create a unique high quality regional commercial development.

Development Policy: Community Subareas

LU16.1.1

Accommodate development of the City's neighborhoods, boulevards, and districts according to the Community Districts and Subareas Schedule (Table LU-4).

Table LU-4
Community District and Subarea Schedule

| Subarea | Characteristic | Standards and Principles |
|-------------------------|---------------------------|---|
| 5A Huntington Center | Permitted Uses | Category: Commercial Regional (CR) - Region-serving commercial uses permitted by the "CR" land use category and mixed-use structures vertically-integrating housing with commercial uses permitted by the "-mu" overlay. |
| | Density/ Intensity | Category: "F2" – Maximum FAR of 0.5 <ul style="list-style-type: none"> Height: four (4) stories |
| | Design and Development | Category: Mixed Use (-mu); Specific Plan (-sp) <ul style="list-style-type: none"> Require the preparation of an development in conformance with a specific or master plan Design and site development as a cohesive and integrated center and a stipulated by Policy LU 10.1.16. Locate buildings around common courtyards and pedestrian areas. Locate a portion of development along the Beach Boulevard frontage. Improve the signage and sense of entry from the Interstate 405 Freeway, Beach Boulevard, and other major access points. Implement extensive streetscape improvements along the Beach Boulevard and Edinger street frontages. Promote the economic enhancement and revitalization of the Center. |

The Crossings at Huntington Beach Specific Plan development concept outlined in Section 3.0 of the Specific Plan provides for a planned Commercial Regional complex in the City of Huntington Beach allowing for a variety of uses, consistent with the goals and policies of the Huntington Beach General Plan.

Section 3.5 Design Guidelines and Section 4.0 Development Regulations of the Specific Plan address design and development issues. The Crossings at Huntington Beach Specific Plan provides the framework and guidelines necessary to create a unique high quality regional commercial development.

2. URBAN DESIGN ELEMENT

The Urban Design Element focuses on the quality of the City's physical and visual character, which is determined by the organization, scale, density and pattern of the community's built environment and open spaces.

The primary goal of the Urban Design Element is to establish and strengthen community identity. An applicable goal includes:

- Enhance the visual image of the City of Huntington Beach

The following applicable Urban Design Element policies are identified below, followed in *italic* typeface by an explanation of how the Crossings at Huntington Beach Specific Plan achieves consistency.

Nodes

Policies

UD 1.2.1

Require public improvements to enhance the existing setting for all key nodes and pedestrian areas through the consideration of the following:

- a. provide pedestrian connections and visual continuity between the node and surrounding neighborhoods;
- b. incorporate shade trees to shelter pedestrians;
- c. incorporate the use of enhanced paving materials at the pedestrian crosswalks;
- d. widen the sidewalks at intersections where feasible to minimize the length of pedestrian crossings; and
- e. enhance the connections where feasible between the public sidewalk and private commercial interior open spaces/courtyards as described in the Land Use Element by using:
 - decorative paving materials;
 - landscape materials; and
 - street furniture.

Landscape standards which require development proposals to implement a landscape plan consistent with the overall Specific Plan standards are included as Section 3.5.5 of the Specific Plan. The landscape standards will apply to all development within the Specific Plan.

Section 3.5 Design Guidelines and Section 4.0 Development Regulations of the Specific Plan address design and development issues. The Crossings at Huntington Beach Specific Plan provides the framework and guidelines necessary to create a unique high quality regional commercial development.

UD 1.2.2

Require that the nodes incorporate the public improvements specified in UD 1.2.1 and other elements that may be listed in the table, as feasible.

Landscape standards which require development proposals to implement a landscape plan consistent with the overall Specific Plan standards are included as Section 3.5.5 of the Specific Plan. The landscape standards will apply to all development within the Specific Plan

Corridor Identity

Policies

UD 1.3.1

Require a consistent design theme and/or landscape design character along the community's corridors, reflecting the unique qualities of each district. Ensure that streetscape standards for the major commercial corridors, the residential corridors, and primary and secondary image corridors provide each corridor with its own identity while promoting visual continuity throughout the City.

Landscape standards which require development proposals to implement a landscape plan consistent with the overall Specific Plan standards are included as Section 3.5.5 of the Specific Plan. The landscape standards will apply to all development within the Specific Plan.

UD 1.3.2

Provide for the implementation of streetscape and landscape improvements along the major commercial corridors, through public capital improvement programs, business district improvements, or other techniques as funding is available.

- a. Develop or enhance the pedestrian environment in those parts of the corridors where there is existing or the potential for pedestrian activity, this includes the use of:
 - sidewalk furniture;
 - shade trees;
 - shade structures
 - special paving; and
 - pedestrian walkway linkages.
- b. Consider using special corridor oriented public signage, public art, or median monuments at prominent intersections.
- c. Discourage the excessive use of temporary signage including bunting and commercial banners.

Section 3.5 Design Guidelines, Section 4.0 Development Regulations, and Section 3.5.6 Signage Guidelines of the Specific Plan address design and development issues. The Crossings at Huntington Beach Specific Plan provides the framework and guidelines necessary to create a unique high quality regional commercial development.

3. HOUSING ELEMENT

The Housing Element, adopted in February 1999, is intended to direct residential development and preservation in a way that coincides with the overall economic and social values of the community. The Housing Element is an official municipal response to a growing awareness of the need to provide housing for all economic segments of the community, as well as legal requirements that housing policy be made a part of the planning process. As such, the Element establishes policies that will guide City officials in daily decision making and sets forth an action program designed to enable the City to realize its housing goals. The City of Huntington Beach has adopted three goals for its housing program which are consistent with State and Regional housing policies. These goals are:

- The attainment of decent housing within a satisfying living environment for households of all socioeconomic, racial and ethnic groups in Huntington Beach.
- The provision of a variety of housing opportunities by type, tenure, and cost for households of all sizes throughout the City.
- The development of a balanced residential environment with access to employment opportunities, community facilities, and adequate services.

These goals relate to issues, which are not directly applicable to the Crossings at Huntington Beach Specific Plan, since the Specific Plan is not designated for residential uses. The Housing Element objectives and policies are also not applicable.

4. HISTORIC AND CULTURAL RESOURCES ELEMENT

The overall intent of the City of Huntington Beach Historical and Cultural Element is to identify the historical resources of the community, their current designations and community status, and the issues affecting their future. Goals include:

- To promote the preservation and restoration of the sites, structures and districts which have architectural, historical, and/or archaeological significance to the City of Huntington Beach.
- Develop avenues for communication and participation in arts and cultural activities and programming to bring together diverse segments of the community.
- Highlight the City's unique cultural heritage and enhance its visual appeal.
- Expand opportunities for the City's children to receive quality experiences of arts and culture.
- Establish a wide range of arts and cultural programs and facilities that address the needs and interest of residents, workers, and visitors.

These goals relate to issues, which are not directly applicable to the Crossings at Huntington Beach Specific Plan, since the Specific Plan area does not contain any significant historic and cultural resources. The Historic and Cultural Resources Element objectives and policies are also not applicable.

5. ECONOMIC DEVELOPMENT ELEMENT

The Economic Development Element is specifically concerned with the identification of a strategy to address development potentials that will broaden and stabilize the City's economic base. Its goals and policies are formulated to provide new policy direction for the City and the planning area.

The primary goal of the Economic Development Element is to provide for the economic opportunities of City's residents; business retention and expansion; and land use plan implementation. Applicable goals include:

- Provide economic opportunities for present and future Huntington Beach residents and businesses through employment and local fiscal stability.
- Aggressively retain and enhance the existing commercial, industrial and visitor serving uses while attracting new uses to Huntington Beach.
- Enhance Huntington Beach's economic development potential through strategic land use planning and sound urban design practices.

The following applicable Economic Development Element policies are identified below, followed in *italic* typeface by an explanation of how the Crossings at Huntington Beach Specific Plan achieves consistency.

Economic Growth

Policies

ED 1.1.1

Maintain and expand economic and business development programs that encourage and stimulate business opportunities within the City.

The Specific Plan will stimulate business opportunities within the City by allowing for and encouraging Regional Commercial development under an expedited entitlement process. Additionally, the Specific Plan provides for a range of employment opportunities in the professional retail and service fields; thus stimulating business opportunities and strengthening the employee base of the community. Refer to Section 4.0 Development Standards for a list of permitted uses.

Commercial Use

Policies

ED 2.4.1

Encourage and assist existing and potential commercial owners to update, modernize, and expand their commercial properties.

The Specific Plan will encourage future commercial development by promoting a comprehensive planned retail center and allowing for future "fast-track" entitlement. This Specific Plan will promote development in accordance with the Economic Development Element. Additionally, the landowner is promoting development through its internal marketing strategies and real estate brokers.

ED 2.4.2

Seek to capture “new growth” businesses such as, but not limited to:

- telecommuting;
- “shop for value” or “big box” stores;
- entertainment-commercial developments;
- knowledge-based retail and entertainment-information retail uses; and
- high sales tax producing businesses.

The Crossings at Huntington Beach Specific Plan seeks to capture “new growth” businesses by allowing for and encouraging Regional Commercial development under an expedited entitlement process.

Additionally, the Specific Plan provides for a range of employment opportunities in the professional retail and service fields; thus stimulating business opportunities and strengthening the employee base of the community. Refer to Section 4.0 Development Standards for a list of permitted uses.

ED 2.4.3

Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market area.

The Crossings at Huntington Beach Specific Plan encourages the expansion of the range of goods and services provided in Huntington Beach by allowing for and encouraging Regional Commercial development under an expedited entitlement process.

Additionally, the Specific Plan provides for a range of employment opportunities in the professional retail and service fields; thus stimulating business opportunities and strengthening the employee base of the community. Refer to Section 3.0 Development Standards for a list of permitted uses.

ED 3.1.4

Encourage the development of a “big box,” “shop for value” businesses, especially along Edinger Avenue.

The Crossings at Huntington Beach Specific Plan encourages the expansion of the range of goods and services provided in Huntington Beach by allowing for and encouraging Regional Commercial development consistent with the Specific Plan under an expedited entitlement process.

6. GROWTH MANAGEMENT ELEMENT

The Growth Management Element, adopted in April 1992, is a pre-requisite to establish and continue eligibility to receive monies generated by the sales tax which was approved by Orange County voters in November 1990 as Measure M (Revised Traffic Improvement and Growth Management Ordinance). The purpose and intent of the Growth Management Element is to establish goals, policies and programs that will promote growth and development based upon the City's ability to provide an adequate circulation system and public facilities and services.

The applicable goals of the Growth Management Element are to:

- Reduce traffic congestion.
- Ensure that adequate transportation and public facilities and public services are provided for existing and future residents of the City.

The following applicable Growth Management Element policies are identified below, followed in *italic* typeface by an explanation of how the Crossings at Huntington Beach Specific Plan achieves consistency.

Land Use

Policies

5.8.1

Promote balanced growth of residential and non-residential land uses and supporting public facilities and services.

The Specific Plan prepared for this project area promotes the development of a comprehensive planned regional commercial area, consistent with the City's land use designation.

7. CIRCULATION ELEMENT

The purpose of the Circulation Element is to evaluate the transportation needs of the City and present a comprehensive transportation plan to accommodate those needs. The Circulation Element focuses on the City's arterial streets and highways; public transportation modes and services; water transportation; and air transportation.

The primary goal of the Circulation Element is to provide a multi-mode transportation system that ensures the safe and efficient movement of people and goods. Applicable goals include:

- Provide a balanced transportation system that supports the policies of the General Plan and facilitates the safe and efficient movement of people and goods throughout the City while minimizing environmental impacts.
- Provide a circulation system which supports existing, approved and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.
- Develop a balanced and integrated multi-modal transportation system.
- Encourage and develop a transportation demand management (TDM) system to assist in mitigating traffic impacts and in maintaining a desired level of service on the circulation system.
- Provide sufficient, well designed and convenient on and off street parking facilities throughout the City.

The following applicable Circulation Element policies are identified below, followed in *italic* typeface by an explanation of how the Crossings at Huntington Beach Specific Plan achieves consistency.

Streets and Highways

Policies

CE 2.1.1

Maintain a city-wide level of service (LOS) not to exceed LOS "D" for intersections during the peak hours.

The Crossings at Huntington Beach Specific Plan shall ensure the provision of adequate public facilities to serve the proposed project. A Circulation Plan (refer to Section 3.3 of the Specific Plan) for the project will be prepared consistent with the City of Huntington Beach's Circulation Element. This plan will be approved by the City and the landowner will be constructing public infrastructure as required by the City in order to support the land uses proposed by the Specific Plan.

Additionally, once a definitive site plan and development project is proposed, an Environmental Assessment will be performed, which will analyze impacts peculiar to development proposed for the Crossings at Huntington Beach Specific Plan, and propose mitigation measures, as necessary. According to Public Resources Code Section 21083.3(b), "If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division [CEQA] to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report." Based upon Public Resource Code Section 21083.3 and the fact that the Specific Plan project falls within the development envelope analyzed in the General Plan EIR, the Crossings at Huntington Beach Specific Plan is currently exempt from preparation of an environmental assessment until a site plan is submitted for approval by the City.

CE 2.1.2

Maintain a city-wide level of service (LOS) for links not to exceed LOS "C" for daily traffic with the exception of Pacific Coast Highway south of Brookhurst Street.

The Crossings at Huntington Beach Specific Plan shall ensure the provision of adequate public facilities to serve the proposed project. A Circulation Plan (refer to Section 3.3 of the Specific Plan) for the project will be prepared consistent with the City of Huntington Beach's Circulation Element. This plan will be approved by the City and the landowner will be constructing public infrastructure as required by the City in order to support the land uses proposed by the Specific Plan.

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Resource Code Section 21083.3 and the fact that the Specific Plan project falls within the development envelope analyzed in the General Plan EIR, the Crossings at Huntington Beach Specific Plan is currently exempt from preparation of an environmental assessment until a site plan is submitted for approval by the City..

Public Transportation

Policies

CE 3.1.1

Encourage and support the various public transit agencies and companies, ride sharing programs, and other incentive programs, that allow residents to utilize forms of transportation other than the private automobile.

The project Circulation Plan identifies bus stop locations along the project frontage on Edinger Avenue and on Center Avenue. The Circulation Plan (Section 3.3) describes the various public transportation alternatives proposed. In addition, the Specific Plan re-iterates any future project's obligation to comply with the City's adopted Transportation Demand Management ordinance.

CE 3.2.1

Require developers to include transit facilities, such as park-and ride sites, bus benches, shelters, pads or turn-outs in their development plans, where feasible as specified in the City's TDM Ordinance.

The City of Huntington Beach has adopted a TDM ordinance. As discussed in Section 1.6 of the Specific Plan, the development within this Specific Plan project will comply with City requirements and bus pads and turn outs must be provided at the site.

Transportation Demand Management/Transportation Systems Management

Policies

4.1.1

Encourage non-residential development to provide employee incentives for utilizing alternatives to the conventional automobile (i.e., carpools, vanpools, buses, bicycles and walking).

The Specific Plan indicates that alternative forms of transportation should also receive careful consideration. The future development within the Specific Plan will be required to address this issue. In addition, the Specific Plan re-iterates any future project's obligation to comply with the City's adopted Transportation Demand Management ordinance.

CE 4.1.5

Promote ride sharing through publicity and provision of information to the public.

The Specific Plan indicates that alternative forms of transportation should also receive careful consideration. The future development within the Specific Plan will be required to address this issue. In addition, the Specific Plan re-iterates any future project's obligation to comply with the City's adopted Transportation Demand Management ordinance.

CE 4.1.6

Encourage that proposals for major new non-residential developments include submission of a TDM plan to the City.

The City of Huntington Beach has adopted a TDM ordinance. As discussed in Section 1.6 of the Specific Plan, the development within this Specific Plan project will comply with City requirements and bus pads and turn outs must be provided at the site.

Parking Facilities

Policies

CE 5.1.1

Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

The Crossings at Huntington Beach Specific Plan shall ensure the provision of adequate supply of parking that supports the present level of demand and allows for the expected increase in use to serve the proposed project. Section 4.3 Development Standards of the Specific Plan states that parking shall be provided based on the results of a shared parking analysis to be approved by the Directors of Public Works and Planning.

Additionally, once a definitive site plan and development project is proposed, an Environmental Assessment will be performed, which will analyze impacts peculiar to development proposed for the Crossings at Huntington Beach Specific Plan, and propose mitigation measures, as necessary. According to Public Resources Code Section 21083.3(b), "If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division [CEQA] to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report." Based upon Public Resource Code Section 21083.3 and the fact that the Specific Plan project falls within the development envelope analyzed in the General Plan EIR, the Crossings at Huntington Beach Specific Plan is currently exempt from preparation of an environmental assessment until a site plan is submitted for approval by the City.

CE 5.1.2

Provide safe and convenient parking that has minimal impacts of the natural environment, the community image, or quality of life.

The Crossings at Huntington Beach Specific Plan shall ensure the provision of adequate supply of parking that supports the present level of demand and allows for the expected increase in use to serve the proposed project. Section 4.3 Development Standards of the Specific Plan states that parking shall be provided based on the results of a shared parking analysis to be approved by the Directors of Public Works and Planning.

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Scenic Highways

Policies

CE 7.1.1

Require the roadways, as shown in Figure CE-12, to be improved and maintained as local scenic highways, major urban scenic highways, minor urban scenic highways, and landscape corridors with key entry points.

Section 3.3 Circulation Plan identifies the roadways to be improved and maintained. Landscape standards which require development proposals to submit and implement a landscape plan consistent with the overall Specific Plan standards are included as Section 3.5.5 of the Specific Plan. The landscape standards will apply to all development within the Specific Plan.

CE 7.1.4

Establish landscape and urban streetscape design themes for landscape corridors, minor scenic urban corridors, and major urban scenic corridors which create a different character enhancing the corridor's surrounding land uses. For example, the design theme for corridors adjacent to residential neighborhoods should be different than the design theme for industrial or commercial uses.

The Landscape Plan for the Crossings at Huntington Beach (Section 3.5.5 of the Specific Plan) has been prepared to establish the design character and visual qualities of the interior and perimeter of the project area.

CE 7.3.1

Require that new development include landscaping that is compatible with the visual character of the designated scenic highways and corridors.

Landscape standards which require development proposals to submit and implement a landscape plan consistent with the overall Specific Plan standards are included as Section 3.5.5 of the Specific Plan. The landscape standards will apply to all development within the Specific Plan.

8. PUBLIC FACILITIES AND PUBLIC SERVICES ELEMENT

The Public Facilities and Public Services Element discusses public facility service provision for Huntington Beach residents and businesses. The services discussed in this element include: law enforcement, fire protection, marine safety, education, libraries, and governmental administration.

Applicable goals include:

- Protect the community from criminal activity, reduce the incidence of crime and provide other necessary services within the City.
- Ensure adequate protection from fire and medical emergencies for Huntington Beach residents and property owners.
- Promote a strong public school system which advocates quality education. Promote the maintenance and enhancement of the existing educational systems facilities, and opportunities for students and residents of the City to enhance the quality of life for existing and future residents.

The following applicable Public Facilities and Public Services Element policies are identified below, followed in *italic* typeface by an explanation of how the Crossings at Huntington Beach Specific Plan achieves consistency.

Police

Policies

PF 1.3.1

Ensure that project development site designs provide “defensible space”.

The Specific Plan includes policies for future development to reduce crime. Crime prevention guidelines are included in Section 3.5 Design Guidelines of the Specific Plan, and they will apply to all future development within the Specific Plan. The Police Department will review the development plans/site designs once proposed.

PF 1.3.2

Ensure that new development and land use proposals are analyzed to determine the impact their operators, occupants, visitors or customers may have on the safety and welfare of the community.

The Specific Plan includes policies for future development to reduce crime. Crime prevention guidelines are included in Section 3.5 Design Guidelines of the Specific Plan, and they will apply to all future development within the Specific Plan. The Police Department will review the development plans/land use proposals once proposed.

Fire/Paramedic

Policies

PF 2.3.2

Ensure that new construction is designed with fire and emergency access and safety in mind.

The Specific Plan includes fire safety measures in Section 3.4.1, which will apply to all future development within the Specific Plan. The Fire Department will review the development plans once proposed.

PF 2.3.3

Ensure that existing buildings are maintained in a manner which is consistent with fire safety.

The Specific Plan includes fire safety measures in Section 3.4.1, which will apply to all future development within the Specific Plan. The Fire Department will review the development plans once proposed.

9. RECREATION AND COMMUNITY SERVICES ELEMENT

The Recreation and Community Services Element has been adopted to identify, maintain and enhance local parks and recreational services and facilities.

Applicable goals include:

- Enrich the quality of life for all citizens of Huntington Beach by providing constructive and creative leisure opportunities.
- Provide adequately sized and located active and passive parklands to meet the recreational needs of existing and future residents, and to preserve natural resources within the City of Huntington Beach and its sphere of influence.
- Develop park sites to provide diverse recreational and sports facilities that meet the residents' and visitors' active and passive recreational needs.
- Ensure recreation facilities are renovated and upgraded to meet the current recreational interests of adults and youth.
- Provide parks and other open space areas that are efficiently designed to maximize use while providing cost efficient maintenance and operations.

These goals relate to issues, which are not directly applicable to the Crossings at Huntington Beach Specific Plan, since the Specific Plan is not designated for residential or open space uses by the City General Plan. The Recreation and Community Services Element objectives and policies are also not applicable.

10. UTILITIES ELEMENT

The Utilities Element discusses water supply, sanitation treatment (wastewater), storm drainage, solid waste disposal, natural gas, electricity, and telecommunications.

Applicable goals include:

- Provide a water supply system which is able to meet the projected water demands; upgrade deficient systems and expand water treatment, supply, and distribution facilities; and pursue funding sources to reduce the costs of water provision in the City.
- Provide a wastewater collection and treatment system which is able to support permitted land uses; upgrade existing deficient systems; and pursue funding sources to reduce costs of wastewater service provision in the City.
- Provide a flood control system which is able to support the permitted land uses while preserving the public safety; upgrade existing deficient systems; and pursue funding sources to reduce the costs of flood control provision in the City.
- Maintain solid waste collection and disposal services in accordance with the California Integrated Waste Management Act of 1989 (AB939), and pursue funding sources to reduce the cost of the collection and disposal services in the City.

- Maintain and expand service provision to City of Huntington Beach residences and businesses.

The following applicable Utilities Element policies are identified below, followed in *italic* typeface by an explanation of how the Crossings at Huntington Beach Specific Plan achieves consistency.

Water

Policies

U1.2.1

Require that new and existing development contain safeguards and mitigation measures preventing degradation.

The Crossings at Huntington Beach Specific Plan shall ensure the provision of adequate public facilities and utilities to serve the proposed project. A Public Facilities Plan for water, wastewater and storm drainage will be prepared for the project consistent with all standards and requirements of the applicable service agencies (refer to Section 3.4 of the Specific Plan). These plans will be approved by the City, and the landowner will be constructing public infrastructure as required by the City in order to support the land uses proposed by the Specific Plan.

Additionally, once a definitive site plan and development project is proposed, an Environmental Assessment will be performed, which will analyze impacts peculiar to development proposed for the Crossings at Huntington Beach Specific Plan, and propose mitigation measures, as necessary. According to Public Resources Code Section 21083.3(b), "If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division [CEQA] to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report." Based upon Public Resource Code Section 21083.3 and the fact that the Specific Plan project falls within the development envelope analyzed in the General Plan EIR, the Crossings at Huntington Beach Specific Plan is currently exempt from preparation of an environmental assessment until a site plan is submitted for approval by the City.

U1.2.2

Require new development to connect to the sewer system.

The Crossings at Huntington Beach Specific Plan shall ensure the provision of adequate public facilities and utilities to serve the proposed project. A Public Facilities Plan for water, wastewater and storm drainage will be prepared for the project consistent with all standards and requirements of the applicable service agencies (refer to Section 3.4 of the Specific Plan). These plans will be approved by the City, and the landowner will be constructing public infrastructure as required by the City in order to support the land uses proposed by the Specific Plan.

Additionally, once a definitive site plan and development project is proposed, an Environmental Assessment will be performed, which will analyze impacts peculiar to development proposed

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U1.3.4

Require the use of reclaimed water for landscape irrigation, grading, and other non-contact uses in the new developments, where available or expected to be available.

The Crossings at Huntington Beach Specific Plan shall ensure the provision of adequate public facilities and utilities to serve the proposed project. A Public Facilities Plan for water, wastewater and storm drainage will be prepared for the project consistent with all standards and requirements of the applicable service agencies (refer to Section 3.4 of the Specific Plan). These plans will be approved by the City, and the landowner will be constructing public infrastructure as required by the City in order to support the land uses proposed by the Specific Plan.

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Wastewater Treatment and Facilities

Policies

U2.1.6

Require that sewer capacity is available before building permits are issued for new development.

The Crossings at Huntington Beach Specific Plan shall ensure the provision of adequate public facilities and utilities to serve the proposed project. A Public Facilities Plan for water, wastewater and storm drainage will be prepared for the project consistent with all standards

and requirements of the applicable service agencies (refer to Section 3.4 of the Specific Plan). These plans will be approved by the City, and the landowner will be constructing public infrastructure as required by the City in order to support the land uses proposed by the Specific Plan.

Additionally, once a definitive site plan and development project is proposed, an Environmental Assessment will be performed, which will analyze impacts peculiar to development proposed for the Crossings at Huntington Beach Specific Plan, and propose mitigation measures, as necessary. According to Public Resources Code Section 21083.3(b), "If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division [CEQA] to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report." Based upon Public Resource Code Section 21083.3 and the fact that the Specific Plan project falls within the development envelope analyzed in the General Plan EIR, the Crossings at Huntington Beach Specific Plan is currently exempt from preparation of an environmental assessment until a site plan is submitted for approval by the City.

Storm Drainage

Policies

U3.1.5

Limit new development, when necessary, until adequate flood control facilities are constructed to protect existing development and accommodate the new development runoff, or until mitigation is provided in accordance with the Growth Management Element.

The Crossings at Huntington Beach Specific Plan shall ensure the provision of adequate public facilities and utilities to serve the proposed project. A Public Facilities Plan for water, wastewater and storm drainage will be prepared for the project consistent with all standards and requirements of the applicable service agencies (refer to Section 3.4 of the Specific Plan). These plans will be approved by the City, and the landowner will be constructing public infrastructure as required by the City in order to support the land uses proposed by the Specific Plan.

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Solid Waste

Policies

U 4.1.1

Maintain adequate solid waste collection for commercial, industrial, and residential developments in accordance with state law.

The Crossings at Huntington Beach Specific Plan shall ensure the provision of adequate public facilities and utilities to serve the proposed project. A Public Facilities Plan for water, wastewater and storm drainage will be prepared for the project consistent with all standards and requirements of the applicable service agencies (refer to Section 3.4 of the Specific Plan). These plans will be approved by the City, and the landowner will be constructing public infrastructure as required by the City in order to support the land uses proposed by the Specific Plan.

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Gas Supply, Telecommunication, Electricity

Policies

5.1.1

Continue to work with service providers to maintain current levels of service and facilitate improved levels of service.

The Crossings at Huntington Beach Specific Plan shall ensure the provision of adequate public facilities and utilities to serve the proposed project. A Public Facilities Plan for water, wastewater and storm drainage will be prepared for the project consistent with all standards and requirements of the applicable service agencies (refer to Section 3.4 of the Specific Plan). These plans will be approved by the City, and the landowner will be constructing public infrastructure as required by the City in order to support the land uses proposed by the Specific Plan.

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11. ENVIRONMENTAL RESOURCES/CONSERVATION ELEMENT

The Environmental Resources/Conservation Element addresses the City of Huntington Beach's environmental resources. Applicable goals include:

- Improve and enhance the overall aesthetic value and appearance of the City of Huntington Beach through the provision and maintenance of local public and private open space.
- Protect and preserve significant habitats of plant and wildlife species, including wetlands, for their intrinsic values.
- Conserve the natural environment and resources of the community for the long-term benefit and enjoyment of its residents and visitors.

The following applicable Environmental Resources/Conservation Element policies are identified below, followed in *italic* typeface by an explanation of how the Crossings at Huntington Beach Specific Plan achieves consistency.

Open Space

Policies

ERC 1.1.1

Encourage the provision of open space elements within the larger-scale development projects including but not limited to public plazas, entry courts, and planned development common areas.

As indicated in Section 3.5.5 Landscape Concept of the Specific Plan, each project development shall provide sufficient landscaping to continue the Landscape Plan concept and the Specific Plan identifies an open space exhibit with plazas and pedestrian walkways throughout the project.

Aesthetic Resources

Policies

ERC 4.1.8

Include commercial, residential, industrial, and natural areas in the electrical undergrounding program.

The Specific Plan requires undergrounding of utilities in association with development of future projects per Specific Plan Policy 3.4.6.

Water, Electricity, and Gas Conservation

Policies

ERC 5.2.1

Require, the use of reclaimed water in common areas and landscape treatments of all proposed developments.

The City does not currently have a reclaimed water supply system available. As indicated in Section 3.5.5 of the Specific Plan, reclaimed water shall be utilized where and whenever feasible and shall comply with the City's "Water Efficient Landscape Requirements" (Ordinance #1452). Usage will be addressed with future individual requests for development if such a system is available at that time.

ERC 5.2.2

Create standards for landscaping and irrigation, which are in compliance with State requirements.

Landscape standards, which require development proposals to submit and implement a landscape plan consistent with the overall Specific Plan standards and in compliance with State requirements, are included as Section 3.5.5 of the Specific Plan. The landscape standards will apply to all development within the Specific Plan

12. AIR QUALITY ELEMENT

The purpose of the Air Quality Element is to address air quality factors affecting the City, and establish goals, policies and programs in order to help achieve the goals of the Air Quality Management Plan adopted by South Coast Air Quality Management District.

An applicable goal includes:

- Improve regional air quality by a) decreasing reliance on single occupancy vehicular trips, b) increasing efficiency of transit, c) shortening vehicle trips through a more efficient jobs-housing balance and a more efficient land use pattern, and d) increasing energy efficiency.

The following applicable Air Quality Element policies are identified below, followed in *italic* typeface by an explanation of how the Crossings at Huntington Beach Specific Plan achieves consistency.

Vehicle Work Trips

Policies

AQ 1.1.2

Require all businesses and multiple tenant centers with 100 or more employees to participate in a Transit Management Association or Organization.

The City of Huntington Beach has adopted a TDM ordinance, which addresses appropriate trip reducing activities. As discussed in Section 1.6 of the Specific Plan, the development within this Specific Plan project will comply with City requirements.

AQ 1.1.5

Encourage all new commercial, industrial, and residential structures to accommodate appropriate trip reducing activities such as alternative work schedules, on-site day-care facilities, on-site automated teller machines, "mail-in" applications, or telecommuting and/or teleconferencing facilities as technology becomes available.

The City of Huntington Beach has adopted a TDM ordinance, which addresses appropriate trip reducing activities. As discussed in Section 1.6 of the Specific Plan, all developments within this Specific Plan project will comply with City requirements.

Transit Trips

Policies

AQ 1.2.2

Require developers of employment centers with 100 or more employees and major activity centers to include transit amenities and transit access as an integrated part of their projects.

The City of Huntington Beach has adopted a TDM ordinance, which addresses appropriate trip reducing activities. As discussed in Section 1.6 of the Specific Plan, developments within this Specific Plan project will comply with City requirements.

AQ 1.2.3

Encourage property owners in existing employment and activity centers (such as the Pier, Downtown, Huntington Beach Mall) to include transit amenities at their sites when these projects apply for additional planning permits or services.

A Circulation Plan will be prepared for the project consistent with all standards and requirements of the applicable service agencies (refer to Section 3.3 of the Specific Plan). The circulation plan specifies locations for public transportation bus pads and bus turnouts and also includes a potential location for a light rail transit stop. This plan will be approved by the City and the landowner will be constructing public infrastructure as required by the City in order to support the land uses proposed by the Specific Plan.

AQ 1.2.4

Encourage major commercial and industrial development projects located along transit routes to include integrated transit access points in the project design.

A Circulation Plan will be prepared for the project consistent with all standards and requirements of the applicable service agencies (refer to Section 3.3 of the Specific Plan). The circulation plan specifies locations for public transportation bus pads and bus turnouts and also includes a potential location for a light rail transit stop. This plan will be approved by the City and the landowner will be constructing public infrastructure as required by the City in order to support the land uses proposed by the Specific Plan.

Carpool and Vanpool Trips

Policies

AQ 1.3.2

Require that employment centers with 100 or more employees increase the availability and the "attractiveness" of parking spaces for vans and carpools.

The City of Huntington Beach has adopted a TDM ordinance, which addresses appropriate trip reducing activities. As discussed in Section 1.6 of the Specific Plan, developments within this Specific Plan project will comply with City requirements.

Vehicle Trip Distances

Policies

AQ 1.5

Encourage residential and commercial growth to occur in and around existing activity centers and transportation corridors in accordance with the Land Use Plan Map.

A Circulation Plan has been prepared for the project consistent with all standards and requirements of the applicable service agencies (refer to Section 3.3 of the Specific Plan). This plan will be approved by the City and the landowner will be constructing public infrastructure as required by the City in order to support the land uses proposed by the Specific Plan.

AQ 1.5.2

Continue to encourage job growth by maintaining the supply of commercial and industrial designated land in accordance with the Land Use Map.

Consistent with the General Plan and in accordance with the Land Use Map, the Specific Plan permits job-generating land uses that will assist in improving the 1992 jobs to housing ratio. The majority of the Specific Plan area will be developed in a single phase as outlined in Section 2.1 of the document. However, individual building pads may be developed in later phases along with expansions to the initial phase of construction.

Particulate Emissions

AQ 1.8.1

Continue to enforce construction site guidelines that require truck operators to minimize particulate emission.

Upon the City's adoption of the Crossings at Huntington Beach Specific Plan, the development procedures, regulations, standards and specifications of the Specific Plan shall supersede the relevant provisions of the City's zoning code (Huntington Beach Zoning and Subdivision Ordinance), as they currently exist or may be amended in the future. Section 4.0 Development Regulations of the Specific Plan provides specific development regulations and standards that will be applied to the Land Use Plan of this Specific Plan. All development regulations and building specifications not addressed in the Specific Plan shall be subject to the City's adopted regulations in place at the time of any individual request.

Additionally, once a definitive site plan and development project is proposed, an Environmental Assessment will be performed, which will analyze impacts peculiar to development proposed

for the Crossings at Huntington Beach Specific Plan, and propose mitigation measures, as necessary. According to Public Resources Code Section 21083.3(b), "If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division [CEQA] to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report." Based upon Public Resource Code Section 21083.3 and the fact that the Specific Plan project falls within the development envelope analyzed in the General Plan EIR, the Crossings at Huntington Beach Specific Plan is currently exempt from preparation of an environmental assessment until a site plan is submitted for approval by the City.

AQ 1.8.2

Require installation of temporary construction facilities (such as wheel washers) and implementation of construction practices that minimize dirt and soil transfer onto public roadways.

Upon the City's adoption of the Crossings at Huntington Beach Specific Plan, the development procedures, regulations, standards and specifications of the Specific Plan shall supersede the relevant provisions of the City's zoning code (Huntington Beach Zoning and Subdivision Ordinance), as they currently exist or may be amended in the future. Section 4.0 Development Regulations of the Specific Plan provides specific development regulations and standards that will be applied to the Land Use Plan of this Specific Plan. All development regulations and building specifications not addressed in the Specific Plan shall be subject to the City's adopted regulations in place at the time of any individual request.

Additionally, once a definitive site plan and development project is proposed, an Environmental Assessment will be performed, which will analyze impacts peculiar to development proposed for the Crossings at Huntington Beach Specific Plan, and propose mitigation measures, as necessary. According to Public Resources Code Section 21083.3(b), "If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division [CEQA] to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report." Based upon Public Resource Code Section 21083.3 and the fact that the Specific Plan project falls within the development envelope analyzed in the General Plan EIR, the Crossings at Huntington Beach Specific Plan is currently exempt from preparation of an environmental assessment until a site plan is submitted for approval by the City.

Energy Conservation

AQ 1.10.1

Continue to require the utilization and installation of energy conservation features in all new construction.

Upon the City's adoption of the Crossings at Huntington Beach Specific Plan, the development procedures, regulations, standards and specifications of the Specific Plan shall supersede the

relevant provisions of the City's zoning code (Huntington Beach Zoning and Subdivision Ordinance), as they currently exist or may be amended in the future. Section 4.0 Development Regulations of the Specific Plan provides specific development regulations and standards that will be applied to the Land Use Plan of this Specific Plan. All development regulations and building specifications not addressed in the Specific Plan shall be subject to the City's adopted regulations in place at the time of any individual request.

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AQ 1.10.3

Encourage energy use audits, and identify conservation measures, for all existing commercial and industrial structures.

Upon the City's adoption of the Crossings at Huntington Beach Specific Plan, the development procedures, regulations, standards and specifications of the Specific Plan shall supersede the relevant provisions of the City's zoning code (Huntington Beach Zoning and Subdivision Ordinance), as they currently exist or may be amended in the future. Section 4.0 Development Regulations of the Specific Plan provides specific development regulations and standards that will be applied to the Land Use Plan of this Specific Plan. All development regulations and building specifications not addressed in the Specific Plan shall be subject to the City's adopted regulations in place at the time of any individual request.

13. COASTAL ELEMENT

The Coastal Element, amended in 1992, includes information sufficiently detailed to indicate kinds, location and intensity of land use and applicable resource protection and development policies. The Coastal Element designates different categories of land uses which will be permitted within the coastal zone and specifies the areas where each land use map, categories and additional policies together constitute the Coastal Element, which is intended to reflect local conditions and needs while meeting the Coastal Act policies and requirements.

The Coastal Element is organized around the following issue areas, which have been identified as relevant to the City's coastal zone:

- Recreation and Shoreline Access
- Visitor-Serving Facilities
- Visual Resources

- Water and Marine Resources and Diking, Dredging, filling and Shoreline Structures
- Environmentally Sensitive Habitats
- Energy
- Community Facilities
- Coastal Land Use Plan
- Next Steps in Coastal Planning

The goals and policies within the Coastal Element provide guidance and direction for development in the coastal zone.

The goals of the Coastal Element relate to issues, which are not directly applicable to the Crossings at Huntington Beach Specific Plan, since the Specific Plan area is not within the coastal zone. The Coastal Element objectives and policies are also not applicable.

14. ENVIRONMENTAL HAZARDS ELEMENT

The Environmental Hazards Element addresses flooding as it pertains to geologic, seismic and soils hazards. This Environmental Hazards Element and the referenced materials together satisfy the geologic and seismic portion of the Section 65302 (g) requirement.

Applicable goals include:

- Ensure that the number of deaths and injuries, levels of property damage, levels of economic and social disruption, and interruption of vital services resulting from seismic activity and geologic hazards shall be within levels of acceptable risk.
- Ensure the safety of the City's businesses and residents from methane hazards.
- Eliminate, to the greatest degree possible, the risk from flood hazards to life, property, public investment and social order in the City of Huntington Beach.
- Ensure the safety of the City's businesses and resident from peat hazards.

The following applicable Environmental Hazards Element policies are identified below, followed in *italic* typeface by an explanation of how the Crossings at Huntington Beach Specific Plan achieves consistency.

Geologic/Seismic Safety

Policies

EH 1.2.1

Require appropriate engineering and building practices for all new structures to withstand groundshaking and liquefaction such as stated in the Uniform Building Code (UBC).

Upon the City's adoption of the Crossings at Huntington Beach Specific Plan, the development procedures, regulations, standards and specifications of the Specific Plan shall supersede the relevant provisions of the City's zoning code (Huntington Beach Zoning and Subdivision Ordinance), as they currently exist or may be amended in the future. Section 4.0 Development Regulations of the Specific Plan provides specific development regulations and standards that will be applied to the Land Use Plan of this Specific Plan. All development regulations and building specifications not addressed in the Specific Plan shall be subject to the City's adopted regulations in place at the time of any individual request.

EH 1.3.5

Encourage property owners to take adequate steps to protect their property against economic risks resulting from seismic and geologic hazards.

Upon the City's adoption of the Crossings at Huntington Beach Specific Plan, the development procedures, regulations, standards and specifications of the Specific Plan shall supersede the relevant provisions of the City's zoning code (Huntington Beach Zoning and Subdivision Ordinance), as they currently exist or may be amended in the future. Section 4.0 Development Regulations of the Specific Plan provides specific development regulations and standards that will be applied to the Land Use Plan of this Specific Plan. All development regulations and building specifications not addressed in the Specific Plan shall be subject to the City's adopted regulations in place at the time of any individual request.

Additionally, once a definitive site plan and development project is proposed, an Environmental Assessment will be performed, which will analyze impacts peculiar to development proposed for the Crossings at Huntington Beach Specific Plan, and propose mitigation measures, as necessary. According to Public Resources Code Section 21083.3(b), "If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division [CEQA] to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report." Based upon Public Resource Code Section 21083.3 and the fact that the Specific Plan project falls within the development envelope analyzed in the General Plan EIR, the Crossings at Huntington Beach Specific Plan is currently exempt from preparation of an environmental assessment until a site plan is submitted for approval by the City.

Flooding

Objective

EH 4.1

Ensure that the City's flood prevention standards and practices provide satisfactory safeguards for public and private development.

The Public Facilities Section of the Specific Plan (Section 3.4) addresses this policy. Additionally, upon the City's adoption of the Crossings at Huntington Beach Specific Plan, the development procedures, regulations, standards and specifications of the Specific Plan shall supersede the relevant provisions of the City's zoning code (Huntington Beach Zoning and Subdivision Ordinance), as they currently exist or may be amended in the future. Section 4.0 Development Regulations of the Specific Plan provides specific development regulations and standards that will be applied to the Land Use Plan of this Specific Plan. All development regulations and building specifications not addressed in the Specific Plan shall be subject to the City's adopted regulations in place at the time of any individual request.

15. NOISE ELEMENT

The purpose of the Noise Element is to identify and appraise noise problems in the community. The Noise Element recognizes the guidelines adopted by the Office of Noise Control in the State Department of Health Services and shall analyze and quantify to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

- Highways and freeways;
- Primary arterials and major local streets;
- Passenger and freight on-line railroad operations and ground rapid transit systems;
- Aviation and airport related operations; and
- Other ground stationary noise sources contributing to community noise environment.

An applicable goal includes:

- Ensure that all necessary and appropriate actions are taken to protect Huntington Beach residents, employees, visitors and noise sensitive uses from the adverse impacts created by excessive noise levels from stationary and ambient sources.

The following applicable Noise Element policies are identified below, followed in *italic* typeface by an explanation of how the Crossings at Huntington Beach Specific Plan achieves consistency.

Ambient Noise Impacts on the Community

Policies

N 1.2.2

Require new industrial and new commercial land uses or the major expansion of existing land uses to demonstrate that the new or expanded use would not be directly responsible for causing ambient noise levels to exceed an Ldn of 65 dB(A) exterior on areas containing "noise sensitive" land uses as depicted on Figure N-1.

Upon the City's adoption of the Crossings at Huntington Beach Specific Plan, the development procedures, regulations, standards and specifications of the Specific Plan shall supersede the relevant provisions of the City's zoning code (Huntington Beach Zoning and Subdivision Ordinance), as they currently exist or may be amended in the future. Section 4.0 Development Regulations of the Specific Plan provides specific development regulations and standards that will be applied to the Land Use Plan of this Specific Plan. All development regulations and building specifications not addressed in the Specific Plan shall be subject to the City's adopted regulations in place at the time of any individual request. The City Noise Ordinance addresses this policy.

Additionally, once a definitive site plan and development project is proposed, an Environmental Assessment will be performed, which will analyze impacts peculiar to development proposed for the Crossings at Huntington Beach Specific Plan, and propose mitigation measures, as necessary. According to Public Resources Code Section 21083.3(b), "If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division [CEQA] to the

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N 1.2.5

Require development that generates increased traffic and subsequent increases in the ambient noise levels adjacent to noise sensitive land uses to provide for appropriate mitigation measures in accordance with the acceptable limits of the City noise ordinance.

Upon the City’s adoption of the Crossings at Huntington Beach Specific Plan, the development procedures, regulations, standards and specifications of the Specific Plan shall supersede the relevant provisions of the City’s zoning code (Huntington Beach Zoning and Subdivision Ordinance), as they currently exist or may be amended in the future. Section 4.0 Development Regulations of the Specific Plan provides specific development regulations and standards that will be applied to the Land Use Plan of this Specific Plan. All development regulations and building specifications not addressed in the Specific Plan shall be subject to the City’s adopted regulations in place at the time of any individual request. The City Noise Ordinance addresses this policy.

Additionally, once a site plan is approved, an Environmental Assessment will be performed, which will analyze impacts peculiar to development proposed for the Crossings at Huntington Beach Specific Plan, and propose mitigation measures, as necessary. According to Public Resources Code Section 21083.3(b), “If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division [CEQA] to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report.” Based upon Public Resource Code Section 21083.3 and the fact that the Specific Plan project falls within the development envelope analyzed in the General Plan EIR, the Crossings at Huntington Beach Specific Plan is currently exempt from preparation of an environmental assessment until a site plan is submitted for approval by the City.

Traffic and Mechanical Equipment Related Noise Impacts

Policies

N 1.31

Require all new non-residential development to design and configure on-site ingress and egress points diverting traffic away from nearby “noise sensitive” land uses to the greatest degree practicable.

Upon the City’s adoption of the Crossings at Huntington Beach Specific Plan, the development procedures, regulations, standards and specifications of the Specific Plan shall supersede the relevant provisions of the City’s zoning code (Huntington Beach Zoning and Subdivision

Ordinance), as they currently exist or may be amended in the future. Section 4.0 Development Regulations of the Specific Plan provides specific development regulations and standards that will be applied to the Land Use Plan of this Specific Plan. All development regulations and building specifications not addressed in the Specific Plan shall be subject to the City's adopted regulations in place at the time of any individual request. The City Noise Ordinance addresses this policy.

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N 1.3.7

Provide for the development of alternate transportation modes such as bicycle paths and pedestrian walkways to minimize the number of noise generating automobile trips.

Section 3.3 of the Specific Plan indicates that alternative forms of transportation should receive careful consideration. The future development within the Specific Plan will be required to address this issue. The City of Huntington Beach has adopted a TDM ordinance, which addresses appropriate trip reducing activities. as discussed in Section 1.6 of the Specific Plan, the development within this Specific Plan project will comply with City requirements.

N 1.3.8

Ensure that commercial and industrial uses, as required by the Air Quality Management Plan, implement Transportation Demand Management (TDM) programs such as incentives for car pooling, van pools, and the use of public transit.

The City of Huntington Beach has adopted a TDM ordinance, which addresses appropriate trip reducing activities. as discussed in Section 1.6 of the Specific Plan, the development within this Specific Plan project will comply with City requirements.

16. HAZARDOUS MATERIALS

The City of Huntington Beach adopted the Hazardous Materials Element as part of the overall General Plan. This Hazardous Materials Element identifies goals, objectives, policies, and programs related to hazardous materials.

Applicable goals include:

- Reduce, to the greatest degree possible, the potential for harm to life, property and the environment from hazardous materials and hazardous waste.

The following applicable Hazardous Materials Element policy is identified below, followed in *italic* typeface by an explanation of how the Crossings at Huntington Beach Specific Plan achieves consistency.

Policy

HM 1.1.4

Implement federal, state and local regulations for the handling, storage and disposal of hazardous materials.

Once a definitive site plan and development project is proposed, an Environmental Assessment will be performed, which will analyze impacts peculiar to development proposed for the Crossings at Huntington Beach Specific Plan, and propose mitigation measures, as necessary. According to Public Resources Code Section 21083.3(b), "If a development project is consistent with the general plan of a local agency and an environmental impact report was certified with respect to that general plan, the application of this division [CEQA] to the approval of that development project shall be limited to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report." Based upon Public Resource Code Section 21083.3 and the fact that the Specific Plan project falls within the development envelope analyzed in the General Plan EIR, the Crossings at Huntington Beach Specific Plan is currently exempt from preparation of an environmental assessment until a site plan is submitted for approval by the City.

See Attachment No. 9
of the Staff Report

APPENDIX C

ATTACHMENT NO. 6-143

MAY 30 2007

Project Description

1.1 Project Location

The proposed project is in the northern part of the City of Huntington Beach in western Orange County, California. Cities adjacent to Huntington Beach are Westminster to the north, Fountain Valley to the northeast, Costa Mesa and Newport Beach to the east and Seal Beach to the northwest.

The proposed project site is located at 7777 Edinger Avenue, Huntington Beach, California immediately adjacent to Bella Terra, an approximately 777,000 square foot shopping center which is owned by an affiliate of the applicant. The existing Bella Terra shopping center is sometimes referred to herein as "Phase I" and the current proposed project is sometimes referred to herein as "Phase II." The Phase II project site comprises 15.86 acres of land area. The proposed project is bordered by Center Avenue to the north, the Phase I Bella Terra shopping center to the east, Edinger Avenue to the south and unimproved railway right-of-way and the Levitz store to the west.

1.2 Existing Conditions

1.2.1 Site History

The Phase II site is improved with an approximately 190,100 square foot retail building formally occupied by Montgomery Wards department store on the eastern portion of the property and an approximately 18,600 square foot auto repair facility on the southwestern portion of the property.

The Montgomery Wards building on the proposed site was originally an anchor tenant in the Huntington Beach Mall. The Huntington Beach Mall was built in 1967 as one of the first enclosed shopping malls in Southern California. Montgomery Wards vacated the building and auto repair center in 2001.

1.2.2 Existing Characteristics

Table 1-1 summarizes the Phase II site's existing characteristics.

Table 1-1

| | |
|---------------------------------|--|
| Address | 7777 Edinger Avenue |
| Applicant/Property Owner | Bella Terra Phase II Associates, LLC. |
| Assessor's Parcel Number | 142-073-26 |
| Site Area | 15.86 acres |
| Existing Land Use | Vacant Montgomery Wards building on the east portion of the site. Vacant auto repair facility on the southwest portion of the site. The balance of the property consists of surface parking for the vacant facilities. |
| Zoning Designation | <u>General Commercial (CG); Specific Plan Number 13 supersedes zoning</u> |
| General Plan Designation | CR-F2-SP-MU(F9)—Commercial Regional—0.5 FAR—Specific Plan Overlay—Mixed Use Overlay—1.5 (MU—0.5 (C)/25du/acre |

There is an easement on the north end of the property granted to Southern California Edison for the purpose of underground electrical supply systems and communications systems. No buildings will be erected on this easement.

1.2.3 Existing General Plan/Zoning Designations

The City of Huntington Beach General Plan designates the Phase I (Bella Terra) and Phase II sites as CR-F2-SP-MU(F9)—Commercial Regional—0.5 FAR—Specific Plan Overlay—Mixed Use Overlay—1.5 (MU—0.5 (C)/25du/acre). The commercial regional designation anticipates anchor department stores, promotional retail, restaurants, entertainment, and similar region-serving uses. The mixed-use overlay allows 0.5 commercial FAR and up to 25 dwelling units per acre.

The Phase II site has been designated as being located within General Plan Subarea 5A, which requires that a Specific Plan with special regulations and standards be established for "Huntington Center." Land uses on the Phase I and Phase II sites are currently governed by Specific Plan Number 13, which was approved by the City Council on _____, 2000. Specific Plan No. 13 designates the Phase I and Phase II properties for regional commercial uses and allows for a total of 1,100,640 square feet of development. Bella Terra (Phase I) contains approximately 770,000 square feet of developed area, which would allow for an approximately 330,640 square feet of additional commercial improvements in Phase II under the current General Plan and zoning.

The Phase I and Phase II sites are currently zoned "CG" General Commercial with a 1.5 FAR. Specific Plan Number 13 supersedes the zoning.

1.3 Demolition

The applicant proposes to demolish and clear the existing Montgomery Wards department store building and automobile center subject to obtaining all entitlements and building permits for the proposed Phase II project. The applicant intends to keep most of the existing trees on site to be reused in the new development.

1.4 Proposed Project

The applicant is proposing to develop a multi-level mixed use retail, office, and residential development with approximately 840,190 square feet of total building improvements (commercial and residential), excluding parking. The total lot coverage, including parking, is approximately 346,000 square feet (approximately 50%). Not including structured parking, the proposed site coverage is approximately 241,900 square feet (approximately 35%). Phase II would be developed in 5 blocks ranging in height from two stories to five stories. Block 1 is one story of retail with four stories of residential. Building 2 would be a two story flagship retail space. Block 3 is one floor of retail with four stories of residential surrounding the parking garage. Block 4 is one story of retail with three stories of residential wrapping the parking structure. Block 5 is all residential on grade and up four stories. Table 1-2 illustrates the block summary.

Table 1-2

| Block | Area | | | | Height |
|--------------|---------------------|---------------------|-------------------|-----------------------|------------|
| | Commercial | Residential | Comm/Civic | Total (excl. Parking) | |
| 1 | 19,100 S.F. | 64,920 S.F. | N/A | 84,020 S.F. | 60 feet |
| 2 | 44,200 S.F. | N/A | N/A | 44,200 S.F. | 40 feet |
| 3 | 55,200 S.F. | 209,885 S.F. | 1,250 S.F. | 266,335 S.F. | 60 feet |
| 4 | 38,455 S.F. | 183,105 S.F. | 1,575 S.F. | 223,135 S.F. | 50 feet |
| 5 | N/A | 222,500 S.F. | N/A | 222,500 S.F. | 40 feet |
| Total | 156,955 S.F. | 680,410 S.F. | 2,825 S.F. | 840,190 S.F. | N/A |

The applicant is proposing 503 units ranging from studios, 1 bedroom, 2 bedrooms, and 3 bedrooms. Table 1-3 illustrates the proposed number of units and their approximate square footage.

Table 1-3

| Unit Type | Area | # Units |
|--------------|------------|------------|
| STUDIO | 600 S.F. | 41 |
| 1 BDRM | 750 S.F. | 183 |
| 2BRM | 1,100 S.F. | 183 |
| 3BDRM + DEN | 1,250 S.F. | 58 |
| 3 BDRM + DEN | 2,200 S.F. | 32 |
| 3 BDRM + DEN | 2,600 S.F. | 6 |
| TOTAL | | 503 |

1.4.1 Design

The applicant intends to design a mixed-use neighborhood to provide a place to live, work and play as the anchor to northern Huntington Beach. The applicant is proposing a "park once" strategy. This will accommodate higher density and will create a place to attract upscale retail tenants.

The Phase II project will be integrated with the existing Bella Terra Shopping Center, create strong pedestrian and vehicular links, provide a hierarchy of open spaces, vary the building mass and style, and incorporate energy efficient strategies

The design will complement Phase I and will appeal to the future residents' demographic characteristic. The varied architecture and spaces will evoke a sense that this is a community that developed over time and has a more timeless feel.

1.4.2 Parking

The majority of the parking for the proposed Phase II project will be provided in three parking structures. Block 3 will contain a structure over the retail that will service just the residents of Block 1 and Block 3. Block 4, in the center of the project, will contain the majority of the parking for the retail uses. The first few floors will be dedicated to the Phase II retail uses while the top levels will service the residents for this block. Building Block 5 is a parking structure only for residents. Parking totals are approximately 1,095 retail spaces and approximately 966 residential spaces. The parking ratio was contemplated at 5 per 1,000 square feet of retail and 1 per bedroom. The proposed plan shows a public open space in the existing parking field in front of Mervyn's. The applicant intends to replace this in the Block 4 parking structure. Table 1-4 summarizes the parking to be provided per building/block.

Table 1-4

| Building/Block | Parking (Commercial) | Parking (Res.) |
|----------------|-------------------------|-------------------|
| 1 | N/A | N/A |
| 2 | N/A | N/A |
| 3 | N/A | 380 |
| 4 | 985 | 256 |
| 5 | 110 | 330 |
| Total | 1,095 | 966 |

The main links between the Phase II project site and public transportation are the bus stops and bike paths surrounding the proposed project and the existing Phase I Bella Terra development. The north Huntington Beach transit center is located north of the Phase II site off of Center Avenue. To the west of the project is a potential light railway.

1.4.3 Open Space

The total open public space for Phase II consists of approximately 306,429 square feet which includes the village green of approximately 43,400 square feet and an additional hardscape plaza of approximately 13,500 square feet. The residential open space encompasses approximately 38,150 square feet and comprises the community pool area and resident courtyards. Table 1-5 summarizes the applicant's proposal for Juliet balconies and decks/terraces in the residential areas.

Table 1-5

| Building/Block | Area | Area |
|----------------|------------------------|------------------------|
| | Decks/Terrace | Juliet Balconies |
| A | 9/ 1,990 S.F. | 18/ 324 S.F. |
| B | N/A | N/A |
| 1 | 28/ 5,699 S.F. | 40/ 720 S.F. |
| 2 | 38/ 4,858 S.F. | 38/ 684 S.F. |
| 3 | 12/ 3,451 S.F. | 46/ 828 S.F. |
| Total | 87/ 15,998 S.F. | 142/ 2,556 S.F. |

1.5 Estimated Timing

Applicant is requesting that the City expedite the processing of all required entitlement so that the applicant will be able to commence construction in 2008.

THE VILLAGE AT BELLA TERRA

Findings of Fact/ Statement of Overriding Considerations

Prepared for
City of Huntington Beach
Planning Department
2000 Main Street, Third Floor
Huntington Beach, California 92648

Prepared by
PBS&J
12301 Wilshire Boulevard, Suite 430
Los Angeles, California 90025

October 9, 2008

ATTACHMENT NO. 8.1

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CHAPTER 1 Introduction

This document presents the Findings of Fact and Statement of Overriding Considerations that must be adopted by the City of Huntington Beach (City) pursuant to the requirements of Sections 15091 and 15093, respectively, of the *California Environmental Quality Act Guidelines* (CEQA Guidelines) prior to the approval of the General Plan Amendment (GPA) and Zoning Text Amendment (ZTA) for The Village at Bella Terra site (proposed project).

This document is organized as follows:

- Chapter 1** Introduction to the Findings of Fact and Statement of Overriding Considerations.
- Chapter 2** Presents the CEQA Findings of the Environmental Impact Report (EIR), including the identified significant cumulative impact.
- Chapter 3** Presents the alternatives to the proposed project and evaluates them in relation to the findings contained in Section 15091(a)(3) of the CEQA Guidelines. The City must consider and make findings regarding alternatives when a project would involve environmental impacts that cannot be reduced to a less-than-significant level, or cannot be substantially reduced, by proposed mitigation measures.
- Chapter 4** Presents a Statement of Overriding Considerations that is required in accordance with Section 15093 of the CEQA Guidelines for significant impacts of the proposed project that cannot be mitigated to a less-than-significant level.

The following discretionary approvals by the City of Huntington Beach constitute the proposed project:

- **GPA No. 07-01**—Amendment to the General Plan Land Use designation from the current CR-F2-sp-mu (F9) designation to the CR-F2-sp-mu (F14) designation. The new GP designation would allow horizontally integrated mixed-use, increase the allowable residential density and commercial FAR, and would increase the maximum number of stories permitted from four up to ten. The newly established F14 FAR would specify an overall maximum mixed use building area FAR of 1.75. The maximum commercial development and residential density would be limited to one of the development scenarios described in Section 3.4.
- **ZTA No. 07-02**—Amendment of the current SP-13 (Specific Plan 13) designation to allow residential uses and establish design and development standards.

Implementation of the General Plan Amendment would allow horizontally integrated mixed-use development in addition to the currently allowed vertical mixed-use development, to increase the total mixed use building floor area ratio (FAR) from 1.5 to 1.75, allowing an additional 172,606 square feet (sf) beyond the 1,035,639 sf that is currently allowed. The maximum commercial development and residential density would be limited to only one of the following development combinations on the project site. The new General Plan development potential (established by one of the two following Options) would be established in both the Land Use Density and Intensity Schedule and General Plan Subarea 5a:

- **Option 1 (Increased Residential).** Maximum total building area FAR of 1.75, commercial FAR of 0.2, and 45 du/ac, which would permit a maximum of 713 residential units and 138,085 sf of commercial uses. Compared to the existing General Plan designation, this GPA would represent an

overall square footage increase of 172,606 sf, through a decrease in commercial-only building area of 207,128 sf, and an increase of 317 residential units; or

- **Option 2 (Increased Commercial).** Maximum total building area floor area ratio of 1.75, commercial FAR of 0.6, and 34 du/ac, which would permit a maximum of 538 residential units and 414,255 sf of commercial uses. Compared to the existing General Plan designation, this GPA would represent an overall square footage increase of 172,606 sf, through an increase in commercial-only building area of 69,042 sf, and an increase of 142 residential units.

These two options represent the overall development scenarios that could occur under the proposed project; however, only one option would ultimately be approved. Both of these potential development combinations result in a maximum total building area FAR of 1.75 or 1,208,245 sf of total commercial and residential development, which is an increase in overall square footage (by approximately 172,606 sf) compared to what is currently allowed on site. The primary difference between the two options is the ratio of residential and commercial uses. Under the proposed project, Option 1 would represent an increase in residential uses and Option 2 would represent an increase in commercial uses.

The GPA would be structured such that under the maximum residential density scenario (Option 1), the maximum amount of permitted commercial square footage would decrease from 345,213 sf to 138,085 sf. Conversely, if a smaller residential density is chosen (Option 2), the maximum amount of commercial square footage that could be built would increase from 345,213 sf to 414,255 sf. The GPA would also increase the maximum number of stories from the currently allowed maximum of four stories to ten stories under both Options 1 and 2.

Implementation of the Zoning Text Amendment would allow residential uses on the 15.85 acre site and establish residential design and development standards in Specific Plan No. 13. Both the GPA and ZTA are subject to approval by the Planning Commission and City Council.

The proposed project would result in significant unavoidable project-level impacts with respect to air quality, noise, and traffic, as well as cumulative air quality, noise, population and housing, and traffic impacts. In comparison to the alternatives analyzed against the proposed development, the City finds that Alternative 3—Reduced GPA/ZTA Alternative (allowing for 538 units and 138,085 sf of commercial uses) would be considered the environmentally superior alternative.

Although not required to implement the proposed project, the Applicant has submitted the following entitlement request:

- **Development Agreement (DA)**—To enter into a DA with the City as requested by the Applicant. To date, the DA application has not been completed.

Although not submitted at this time, the following entitlements would be required to implement the proposed GPA and ZTA and to develop the subject property:

- **A Site Plan Review (SPR)**—To allow development of the residential and commercial uses. The SPR is subject to approval by the Planning Director.
- **Tentative Tract Map (TTM)**—To subdivide the property for the purposes of sale, lease, or finance (into more than four parcels). The TTM is subject to approval by the Planning Commission.

CHAPTER 2 CEQA Findings

2.1 INTRODUCTION

This chapter presents the potential impacts that were identified in the EIR and the findings that are required in accordance with Section 15091 of the CEQA Guidelines. The possible findings for each significant and/or potentially significant adverse impact are as follows:

- (a) Changes or alterations have been required in, or incorporated into the project which avoid, substantially lessen, or reduce the magnitude of the significant environmental effect as identified in the EIR (“Finding 1”).
- (b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can and should be adopted by such other agency (“Finding 2”).
- (c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives in the EIR (“Finding 3”).

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or substantially reduce significant environmental impacts that would otherwise occur as a result of a project. Project modification or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with some other agency (State CEQA Guidelines §15091, subd. (a), [2] and [3]). Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” (See also *Citizens of Goleta Valley v. Board of Supervisors [Goleta II]* [1990] 52 Cal.3d 553, 565 [276 Cal. Rptr. 410].)

Only after fully complying with the above findings requirement can an agency adopt a Statement of Overriding Considerations (*Citizens for Quality Growth v. City of Mount Shasta* [1988] 198 Cal.App.3d 433, 442, 445 [243 Cal. Rptr. 727]). CEQA requires the Lead Agency to state in writing the specific rationale to support its actions based on the Final EIR and/or information in the record. This written statement is known as the Statement of Overriding Considerations. The Statement of Overriding Considerations provides the information that demonstrates the decision-making body of the Lead Agency has weighed the benefits of the project against its unavoidable adverse effects in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.”

The California Supreme Court has stated that, “the wisdom of approving any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II*, 52 Cal.3d 553, 576 [276 Cal. Rptr. 401].)

This document presents the City of Huntington Beach findings as required by CEQA, cites substantial evidence in the record in support of each of the findings, and presents an explanation to supply the

logical step between the finding and the facts in the record (State CEQA Guidelines §15091). Additional facts that support the findings are set forth in the Draft EIR, the Final EIR, staff reports to the Planning Commission, and the record of proceedings.

Table 2-1 (CEQA Findings for the GPA/ZTA for The Village at Bella Terra) summarize the potentially significant impacts of the EIR that were reduced to less-than-significant levels with mitigation as well as the project-level and cumulative significant impacts, as currently proposed for certification and adoption of the proposed project.

Table 2-1 CEQA Findings for the GPA/ZTA for The Village at Bella Terra

| | Impact Statement | Impact Summary | Findings |
|--------------------|--|---|--|
| Aesthetics | <p>Impact 4.1-3 Implementation of Option 1 or Option 2 of the proposed project would introduce new sources of light and glare into the project vicinity. However, these sources would not adversely affect day or nighttime views in the area.</p> <p>Proposed structures would generally range from four to six stories and could include structures up to ten stories in height on the northern portion of the site. Buildings generally three or more stories in height have the potential to include large building faces that could introduce reflective surfaces (e.g., brightly colored building facades, and reflective glass) that could increase existing levels of daytime glare. The proposed project could, therefore, serve as a new source of light and glare in the area, and impacts would be potentially significant. However, implementation of mitigation measure MM4.1-1 would reduce impacts associated with glare from four to 10 story buildings.</p> <p>The provision of non-reflective facade treatments for structures proposed under the project would ensure that impacts related to glare would be reduced to a less-than-significant level by reducing the reflective properties of the building materials employed, such as glass, metal, or finished concrete.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.1-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure MM4.1-1.</p> | |
| Air Quality | <p>Impact 4.2-2 Peak construction activities associated with Option 1 or Option 2 of the proposed project could generate emissions that exceed SCAQMD thresholds.</p> <p>Construction-related daily emissions would exceed SCAQMD significance thresholds for NO_x during the demolition and site grading phases and VOCs emitted during the architectural coating (painting) phase of either option of the proposed project. The proposed project would implement appropriate dust control measures (CR4.2-1 through CR4.2-5) during each phase of development as required by the City and SCAQMD Rule 403—Fugitive Dust, as well as other appropriate mitigation measures (MM4.2-1 and MM4.2-2), such as limiting idling of motorized equipment and the use of low VOC paint.</p> <p>Impact 4.2-3 Daily operation of either Option 1 or Option 2 of the proposed project could generate emissions that exceed SCAQMD thresholds.</p> | <p>Finding 3. The City finds that even with implementation of all feasible mitigation measures and compliance with applicable requirements, construction emissions of the proposed project would result in an exceedance of established thresholds for daily construction emissions. No additional mitigation measures are technically feasible in addition to the implementation of CR4.2-1 through CR4.2-5 and mitigation measures MM4.2-1 and MM4.2-2.</p> <p>Operational emissions would be generated under either Option by both stationary and mobile sources resulting from normal day-to-day activities on the proposed project site after occupation. Stationary area source emissions would be generated by the consumption of natural gas for space and water heating devices, and the operation of landscape maintenance equipment. Mobile emissions, including commercial deliveries, would be generated by the motor vehicles traveling to and from the proposed project site. Mobile source emissions during operation are anticipated to exceed the thresholds of significance recommended by the SCAQMD for VOC, NO_x, CO,</p> | <p>Finding 3. The City finds that even with implementation of all feasible mitigation measures and compliance with applicable requirements, operational emissions of the proposed project would result in an exceedance of established thresholds for daily emissions. As the majority of emissions are associated with mobile sources (i.e. vehicles traveling to and from the project site), no additional mitigation measures are feasible in addition to mitigation measure MM4.2-3.</p> |

Table 2-1

| Impact Statement | Impact Summary | Findings |
|--|--|---|
| Impact 4.2-5 Construction activities associated with implementation of either Option 1 or Option 2 of the proposed project would generate emissions that could result in an exceedance of localized significance thresholds for CO, NO ₂ , PM ₁₀ , and PM _{2.5} established by the SCAQMD, and, therefore, could expose sensitive receptors to substantial pollutant concentrations. | Localized PM _{2.5} emissions during proposed project construction would exceed SCAQMD thresholds during proposed project construction at nearby sensitive receptors. Implementation of the identified City requirements (CR4.2-1 through CR4.2-5) and mitigation measures (MM4.2-1 and MM4.2-2), would reduce this impact, but not below established thresholds. The closest sensitive receptors to the proposed project site that would be exposed to elevated levels of PM _{2.5} would be the residential uses located south and north of the proposed project site, including those at Old World Village and the Seawind Village apartment complex. | Finding 3. The City finds that even with implementation of all feasible mitigation measures and compliance with applicable requirements, construction emissions of the proposed project would result in an exceedance of established thresholds for localized emission levels. No additional mitigation measures are technically feasible in addition to the implementation of CR4.2-1 through CR4.2-5 and mitigation measures MM4.2-1 and MM4.2-2. |
| Cumulative Air Quality | Development under both Option 1 and Option 2 would result in a significant and unavoidable impact with respect to VOC and NOx emissions during construction, despite the identified mitigation measures. Further, operation under either Option 1 or Option 2 is anticipated to result in a significant and unavoidable impact with respect to mobile source emissions, particularly VOC, NO _x , CO and PM ₁₀ emissions. Therefore, the emissions generated by construction and operation of either Option 1 or Option 2 would be cumulatively considerable and would constitute a substantial contribution to an existing or projected air quality violation. | Finding 3. The City finds that even with implementation of all feasible mitigation measures and compliance with applicable requirements, construction and operational emissions of the proposed project would result in significant cumulative impacts. No additional mitigation measures are technically feasible in addition to the implementation of CR4.2-1 through CR4.2-5 and mitigation measures MM4.2-1 through MM4.2-3. |
| Cumulative Climate Change | Construction and operation of the proposed project would contribute to greenhouse gas emissions. However, due to the type and size of the proposed project, in addition to design features and greenhouse gas emission reduction measures incorporated into the proposed project, as well as mitigation measures MM4.2-1 and MM4.2-2, the project's contribution to the cumulative impact would not be considerable. Further in accordance with guidance from the State Attorney General, the California Air Pollution Control Officers Association, the California Climate Action Team, the California Air Resources Board, and the South Coast Air Quality Management District, the project has been designed in such a manner as to reduce its contribution to climate change and global warming emissions. | Finding 1. The City finds that the cumulative impact of the proposed project with respect to climate change would be less than significant due to the incorporation of changes or alterations, either required or incorporated, to the project. No additional mitigation measures are necessary with the implementation of CR4.2-1 through CR4.2-5 and mitigation measures MM4.2-1 and MM4.2-2, in light of the current design of the proposed project. |

Table 2-1 CEQA Findings for the GPA/ZIA for The Village at Bella Terra

| Impact Statement | Impact Summary | Findings |
|--|---|---|
| Biological Resources <p>Impact 4.3-1 Future development under Option 1 or Option 2 could have a substantial adverse impact either directly (e.g., habitat loss) or indirectly (e.g., noise effects on wildlife) through habitat modifications, on any species identified or published as an endangered, threatened, rare, candidate, sensitive, or special-status species by CDFG or USFWS, and meets the definition of Section 15380 (b), (c), or (d) of the CEQA guidelines.</p> <p>Impact 4.3-2 The proposed project would not conflict with local policies or ordinances protecting biological resources.</p> | <p>Project implementation and construction-related activities may result in the disturbance of nesting species protected by the MBTA. Prior to the onset of ground disturbance activities, the City shall implement mitigation measure MM4.3-1, which entail focused surveys and avoidance measures for sensitive nesting and MBTA species, and appropriate agency consultation.</p> <p>Through implementation of the proposed mitigation measure, implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources (e.g., Policies ERC 2.1.9 and ERC 2.1.10 of City's General Plan—Environmental Resource/Conservation Element), which are designed to protect sensitive species and their habitats within the City from development and related construction activities.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.3-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure MM4.3-1.</p> <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.3-2 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure MM4.3-1.</p> |
| Cultural Resources <p>Impact 4.4-1 Construction of the proposed project could cause a substantial adverse change in the significance of previously unknown archaeological resources that could be present on the project site.</p> | <p>A records search was conducted by the SCCIC, which included a review of all recorded archaeological sites within a 0.5-mile radius of the project site as well as a review of cultural resource reports on file. No archeological sites were identified on the project site or within a 0.5-mile radius of the project site. Regardless, the lack of findings does not eliminate the potential for archaeological resources to be identified during ground-disturbing activities associated with project implementation. Implementation of mitigation measures MM4.4-1 and MM4.4-2 would require monitoring of construction activities by a qualified professional archaeologist and would require the scientific recovery and evaluation of any archaeological resources that could be encountered, which would ensure that important scientific information that could be provided by these resources regarding history or prehistory is not lost.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.4-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measures MM4.4-1 and MM4.4-2.</p> |

Table 2-1

CEQA Findings for the GPA/ZTA for The Village at Bella Terra

| Impact Statement | Impact Summary | Findings |
|---|--|---|
| Impact 4.4-2 Construction of the proposed project would not destroy a unique paleontological resource or unique geologic feature that could be present on the project site. | Even though previous activities may have involved excavation or other earth-disturbing activities, some paleontologically sensitive rock units underlying the project site may not have been disturbed, despite the possible destruction of surface evidence of their presence. Therefore, the impact resulting from damage to, or destruction of, these resources would be potentially significant, as it makes biological records of ancient life permanently unavailable for study by scientists. Mitigation measures MM4.4-1 and MM4.4-2 require monitoring of construction activities by a qualified paleontologist and require implementation of additional provisional measures in the event that paleontological resources are identified. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.4-2 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with implementation of mitigation measures MM4.4-1 and MM4.4-2. |
| Impact 4.4-3 Construction activities associated with implementation of the proposed project could result in the disturbance of human remains, including those interred outside of formal cemeteries. | Although no surface evidence has been revealed, the potential for human remains to be located at the site exists and excavation during construction activities could disturb these resources. To reduce this impact, and as required by law, mitigation measure MM4.4-3 reflects provisional measures if human remains are discovered on the project site. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.4-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure MM4.4-3. |
| Geology and Soils | | |
| Impact 4.5-1 Development of the proposed project would not expose people and/or structures to potentially substantial adverse effects, including the risk of loss, injury, or death, involving strong seismic groundshaking and/or seismic-related ground failure, including liquefaction. | The proposed project site is situated in a seismically active area. During the design life of the development, strong ground shaking may occur. Accordingly, the proposed structures and improvements could be adversely impacted by the seismic ground shaking if proper mitigation measures are not implemented. Implementation of City requirement CR4.5-1 would require the preparation of a soils and geotechnical report specific to the project site and mitigation measure MM4.5-1 would ensure that the design recommendations identified suggested therein are implemented. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.5-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.5-1 and mitigation measure MM4.5-1. |
| Impact 4.5-2 Construction and operation of the proposed project would not result in substantial soil erosion, loss of top soil, changes in topography or unstable soil conditions. Compliance with slope stability, soil stability, and seismic-resistant design standards for structures proposed for human occupancy required by the City of Huntington Beach General Plan, building Code, and Grading and Excavation Code would reduce these potential impacts to less-than-significant levels at the project site. | The project would include ground-disrupting activities such as excavation and trenching for foundations and utilities; soil compaction and site grading; and the erection of new structures, all of which would temporarily disturb soils. The exposure of previously-covered soils during these activities could lead to increased on-site erosion and off-site sediment transport because disturbed soils are susceptible to higher rates of erosion from wind, rain, and runoff of dewatering discharge or dust control water than undisturbed soils. Compliance with existing NPDES regulations as well as SWPPP requirements, coupled with compliance with City requirement CR4.5- | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.5-2 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of City requirement CR4.5-1 and mitigation measure MM4.5-1. |

Table 2-1 CEQA Findings for the GPA/ZTA for The Village at Bella Terra

| Impact Statement | Impact Summary | Findings |
|--|---|---|
| Impact 4.5-3 The proposed project would be located on subsidence-prone and potentially liquefiable soils. | 1 and mitigation measure MM4.5-1, would ensure that unstable soil conditions at the site are minimized. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.5-3 to a less-than-significant level, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.5-1, CofA4.7-1, and mitigation measure MM4.5-1. |
| Impact 4.5-4 The proposed project could be located on expansive soil. | The potential for soil liquefaction from earthquake-induced groundshaking at the site was evaluated in a geotechnical investigation of the site taking into account the current and historic groundwater levels and the increase in potential were the groundwater to rise closer to the ground surface. Based on the analysis, liquefaction could induce settlement as much as 1.0 inch at the site. However, adherence to the City's requirements and conditions of approval (CR4.5-1 and CofA4.7-1) would ensure the maximum practicable protection available for structures on the project site. In addition, implementation of mitigation measure MM4.5-1 would further ensure adequate consideration of liquefaction potential at the site. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.5-4 to a less-than-significant level, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.5-1 and mitigation measure MM4.5-1. |
| Hazards | Impact 4.6-2 Implementation of either Option 1 or Option 2 of the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.6-2 to a less-than-significant level, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measures MM4.6-1 and MM4.6-2. |

Table 2-1

CEQA Findings for the GPA/ZIA for The Village at Bella Terra

| Impact Statement | Impact Summary | Findings |
|--|--|--|
| <p>Impact 4.6-3 Implementation of either Option 1 or Option 2 of the proposed project would result in the handling of acutely hazardous materials, substances, or waste within ¼ mile of a proposed school, but would not create a risk to human health from such activities.</p> | <p>The project site is located within a designated methane gas overlay district. The City has set minimum requirements for new building construction within the methane overlay districts in order to reduce the hazards presented from accumulations of methane gas by requiring the appropriate testing and mitigation measures for all new buildings within the methane districts. Implementation of mitigation measure MM4.6-2 would ensure appropriate testing and methods of gas reduction, as required by the HBFD.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.6-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure MM4.6-1.</p> |
| <p>Impact 4.6-4 Implementation of either Option 1 or Option 2 of the proposed project would place the project site within a listed hazardous materials site compiled pursuant to Government Code Section 65962.5.</p> | <p>The project site is located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 due to the historical presence of a leaking underground storage tank. According to the preliminary ESA, assessment and remedial clean-up work occurred at the automotive site through the late 1980s and into the early 2000s. Implementation of mitigation measure MM4.6-3 would ensure that all soils (native and imported) at the proposed project site are in compliance with the City of Huntington Beach's Specification No. 431-92 Soil Clean-Up Standards prior to grading or building plan approval. Additionally, mitigation measure MM4.6-3 would ensure that all work conducted for development of the proposed project follows the requirements of the City's Public Works Department. Further, implementation of mitigation measures MM4.6-1 and MM4.6-2 would ensure that hazards to the public and/or the environment would be minimized during implementation of the proposed project.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.6-4 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measures MM4.6-1 through MM4.6-3.</p> |

Table 2-1 CEQA Findings for the GPA/ZIA for The Village at Bella Terra

| Impact Statement | Impact Summary | Findings |
|---|--|--|
| Hydrology and Water Quality | <p>Impact 4.7-1 Construction and operation of either Option of the proposed project could increase stormwater pollutant loads or concentrations, which could result in a violation of water quality standards or a substantial degradation of water quality.</p> <p>The proposed project would include construction activities, which would temporarily disturb soils. Disturbed soils are susceptible to high rates of erosion from wind and rain, resulting in sediment transport from the site. Erosion and sedimentation affects water quality through interference with photosynthesis, oxygen exchange, and the respiration, growth, and reproduction of aquatic species. Additionally, other pollutants, such as nutrients, trace metals, and hydrocarbons, can attach to sediment and be transported downstream, which could contribute to degradation of water quality.</p> <p>During the operational phase of the proposed project, the major source of pollution in stormwater runoff would be contaminants that have accumulated on rooftops and other impervious surfaces, such as parking lots, pedestrian walkways, and the off-site road improvement prior to connecting to the storm drain system. Implementation of existing City regulations and mitigation measure MM4.7-1 would reduce potential pollutant loads, assure that appropriate BMPs are used (e.g., constraints on infiltration-type BMPs) and regulatory requirements are met. Therefore, any post-construction violation of water quality standards would be less than significant.</p> | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.7-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure MM4.7-1. |
| Impact 4.7-2 Construction and operation of either Option of the proposed project could deplete groundwater supplies. | <p>The historical high groundwater levels occur at five feet below ground surface at the project site and unsaturated soils have high water content. Consequently, construction dewatering for utilities, foundation excavation and fill, and below-grade parking would be required; excavation for fill removal and replacement, alone, would extend to a depth of over four feet. Development of the project would require coverage under the De Minimus Threat General Permit, which would include discharge quantity and quality limitations, based on site and groundwater characteristics, as well as implementation of CofA4.7-1 to further ensure that groundwater supplies are not substantially affected.</p> <p>Additionally, if the project Applicant proposes to develop underground structures that include permanent groundwater dewatering, implementation of mitigation measure MM4.7-2 would ensure that permanent groundwater dewatering does not cause or contribute to a lowering of the local groundwater table that would affect nearby water</p> | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.7-2 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CofA4.7-1 and mitigation measure MM4.7-2. |

Table 2-1 CEQA Findings for the GPA/ZTA for The Village at Bella Terra

| Impact Statement | Impact Summary | Findings |
|---|---|---|
| Impact 4.7-4 Implementation of either Option of the proposed project would substantially alter the project site runoff characteristics that could result in more flooding on- or off-site. | The project site is currently flat and about 90 percent impervious surfaces that drain as sheet flow to local streets and Edinger Avenue or underground storm drains to the Murdy Channel. The proposed project would not result in a substantial overall change in the amount of impervious surfaces. However, the proposed project may substantially alter the project site drainage by grading to change drainage direction, infrastructure alterations that could alter drainage areas, and changes to the amount of impervious surfaces draining to Edinger Avenue. With implementation of mitigation measure MM4.7-3, the potential for increased site runoff for both peak runoff rates and total storm flow volumes would not be substantial. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.7-4 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure MM 4.7-3. |
| Impact 4.7-5 Implementation of either Option of the proposed project would place housing within a 100-year flood hazard area. | The project site is located within a 100-year flood hazard area from failure of the East Garden Grove-Wintersburg Channel as mapped by FEMA. This area is identified as a flood Zone A, subject to flooding during a 100-year flood event but no Base Flood Elevation (BFE) has been determined. FEMA allows development of residential uses within a flood hazard area if the lowest occupied flood is elevated to, or above, the 100-year flood elevation. If the project Applicant develops the site with underground structures, implementation of mitigation measure MM4.7-4 would ensure that potential flooding impacts are minimized. Further, compliance with CoFA4.7-1 and implementation of mitigation measure MM4.7-3 would ensure that potential flooding impacts to housing proposed at the project site are minimized under either Option. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.7-5 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measures MM4.7-1 through MM4.7-3 and MM4.7-4. |
| Noise | Impact 4.9-1 Construction activities associated with the proposed project would not exceed the standards established in the Huntington Beach Municipal Code. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.9-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measures MM4.9-1 through MM4.9-3. |

Table 2-1 CEQA Findings for the GPA/ZIA for The Village at Bella Terra

| Impact Statement | Impact Summary | Findings |
|--|--|--|
| Impact 4.9-5 Construction activities associated with the proposed project would result in a substantial temporary or periodic increase in ambient noise levels. | Noise levels during pile driving activities could reach up to 91 dBA at the residential uses of the Old World Village located approximately 285 feet to the north of the proposed project site. The construction contractor would be required to implement noise attenuation measures during pile driving activities, including but not limited to the utilization of noise blankets, which would reduce noise levels up to 10 dBA. However, pile driving activities would last for approximately seven months, and therefore, this temporary increase in ambient noise levels would be noticeable and would likely be cause for human annoyance. | Finding 3. No additional technically feasible mitigation is available to reduce Impact 4.9-5 to a level of less than significant. Mitigation measures MM4.9-1 and MM4.9-2 would be implemented, but a substantial temporary or periodic increase in ambient noise levels will still occur during project construction due to the nature of pile of driving. |
| Population and Housing | Impact 4.10-1 Implementation of the proposed project would directly increase population growth; however, the population growth would not cause exceedance of current growth projections established by the City. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.10-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.10-1. |
| Cumulative Population and Housing | Future development that would be permitted under Option 1 would result in a mixed-use residential and commercial development that would consist of up to 713 residential units, while development under Option 2 would result in a maximum of 538 residential units. Based on the existing person per household size of 2.65 for the City of Huntington Beach, the residential component of Option 1 would most likely generate approximately 1,889 residents, and Option 2 would most likely generate approximately 1,426 residents. Using SCAG population projections for 2015, the City's population is anticipated to increase by approximately 14,572 residents through buildup of the project. As such, the proposed project would account for up to 13 percent of the anticipated growth in this timeframe, or approximately 0.87 percent of the City's projected 2015 population, assuming full occupancy, and would not be considered substantial in light of current population projections. Furthermore, compliance with CR4.10-1 would ensure that adequate affordable housing provisions are satisfied. | Finding 3. Because all cumulative residential development would fall below the General Plan buildup numbers, the City's General Plan did not account for residential growth within the project site as well as the Beach-Edinger Corridor boundary as these projects require GPAs. Additionally, it is beyond the scope of this document to assume a buildup year beyond 2015 for all residential projects under the Beach-Edinger Corridor Study since a time frame |

Table 2-1 CEQA Findings for the GPA/ZIA for The Village at Bella Terra

| Impact Statement | Impact Summary | Findings |
|--|--|---|
| Public Services | <p>has not yet been established for that project. Therefore, because full occupancy of all cumulative development could potentially occur by 2015, the overall residential population that could occur would substantially exceed the SCAG population projections.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.11-2 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure MM4.11-1.</p> |
| Impact 4.11-2 Implementation of the proposed project would not result in the need for new or physically altered police facilities in order to maintain acceptable service ratios. | <p>Although not necessary to maintain sufficient levels of police service, additional personnel and possibly equipment would ensure no change to the ratio of officers to population and response times. The proposed project would contribute funding to the City's general fund in the form of tax revenue, fees, and other ancillary payments. The funds could, in turn, be used by the City to fund additional police officers in order to maintain the existing service ratio of officers to population. Further, on-site security concerns related to the proposed uses would be addressed through the permit process, at which time the HBPD would have the opportunity to review the proposed uses and provide input on necessary security measures. The City actively employs Crime Prevention Through Design (CPTED) recommendations in projects and has projects reviewed by a specialist in this field. Implementation of mitigation measure MM4.11-1 would ensure the safety of residents in the proposed building.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.11-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.11-1 and CR4.11-2.</p> |
| Impact 4.11-3 Implementation of the proposed project would not require new or physically altered facilities to accommodate additional students. | <p>Direct population growth resulting from the proposed project would not have an impact on the capacity of schools within the HBUHSD and OVSD, as all three schools serving the project site are currently operating below maximum capacity. Additionally, both Districts anticipate that the enrollment for its schools will be lower in the upcoming years and will continue to decline in the future. Due to declining enrollment within each District, new students generated as a result of this development would not result in overcrowding and would likely help offset the current declining population. With the implementation of City requirements CR4.11-1 and CR4.11-2, fees collected under the authority of SB 50 would offset any additional increase in educational demand at the elementary school, middle school and high school serving the project site.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.11-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.11-1 and CR4.11-2.</p> |

Table 2-1 CEQA Findings for the GPA/ZIA for The Village at Bella Terra

| Impact Statement | Impact Summary | Findings |
|--|--|---|
| Impact 4.11-4 Implementation of the proposed project would not result in the need for new or physically altered library facilities in order to maintain acceptable service ratios. | Upon project implementation, the City's population would increase by approximately 1,060 residents. Implementation of City requirement CR4.11-3 would be required to ensure that these additional residents would not notably affect the current ratio of library staff per resident or items per capita. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.11-4 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.11-3. |
| Recreation | | |
| Impact 4.12-1 Implementation of the proposed project could increase the use of existing parks or recreational facilities; however, not such that substantial physical deterioration of the facility would occur or be accelerated. | The proposed project does not include dedicated open space or parklands. Because the project does not include any designated park land, payment of the applicable open space and park fees, as required by City requirement CR4.12-1 and Section 230.20 of the Huntington Beach Zoning and Subdivision Ordinance, would help acquire, develop, improve, and expand the City's open space and parklands inventory. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.12-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.12-1 and compliance with Section 230.20 of the Huntington Beach Zoning and Subdivision Ordinance. |
| Transportation/Traffic | | |
| Impact 4.13-2 Under Year 2014 Conditions, operation of either Option 1 or Option 2 of the proposed project would cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system. | It was determined that only the intersection of Beach Boulevard and Edinger Avenue would experience a potentially significant increase in traffic volumes as a result of the proposed project. Implementation of mitigation measure MM4.13-1 would ensure that, in terms of traffic levels at local intersections, impacts would be less than significant. However, the proposed project is projected to contribute to a deficiency at the I-405 northbound on-ramp from Beach Boulevard. Because implementation of the proposed project would contribute to projected regional freeway deficiencies in 2014, this is considered an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. | Finding 2. The City finds changes or alterations that could reduce the potential impact of the proposed project are within the responsibility and jurisdiction of another public agency and not the agency making the findings. |
| Impact 4.13-3 Under Year 2030 Conditions, operation of either Option 1 or Option 2 of the proposed project would cause an increase in traffic, which is substantial in relation to the forecasted traffic load and capacity of the street system. | With implementation of mitigation measure MM4.13-1, which would involve the construction of an additional northbound through lane along Beach Boulevard at Edinger Avenue or an additional westbound through lane on Edinger Avenue at Beach Boulevard, the long-term (2030) traffic intersection impacts generated by operation of the proposed project would be less than significant. However, because implementation of the proposed project would contribute to projected regional freeway deficiencies in 2030, this is considered an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. | Finding 2. The City finds changes or alterations that could reduce the potential impact of the proposed project are within the responsibility and jurisdiction of another public agency and not the agency making the findings. |

Table 2-1 CEQA Findings for the GPA/ZIA for The Village at Bella Terra

| Impact Statement | Impact Summary | Findings |
|--|--|--|
| Impact 4.13-6 Implementation of either Option 1 or Option 2 of the proposed project would not substantially increase roadway hazards. | The potential for roadway hazards can also occur as an inherent result of the placement of additional access points along public roadways. New intersections require adequate sight distance and intersection traffic control in order to minimize potential hazards. In order to ensure safe construction of project intersections, implementation of CR4.13-1 and CR4.13-2 would reduce potential impacts associated with roadway hazards to a less-than-significant level. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.13-6 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.13-1 and CR4.13-2. Finding 2. The City finds changes or alterations that could reduce the potential impact of the proposed project are within the responsibility and jurisdiction of another public agency and not the agency making the findings. |
| Cumulative Traffic | Future development of Option 1 or Option 2 of the proposed project would, in conjunction with cumulative traffic generated, result in a potentially significant impact at the intersection of Edinger Avenue and Beach Boulevard. However, mitigation measure MM4.13-1 would require the Applicant to provide a fair share payment for improvements to that intersection, which would include an additional northbound through lane along Beach Boulevard or an additional westbound through lane along Edinger Avenue. Although the significant impact at this intersection would be reduced to a less than significant level, because implementation of the proposed project would contribute to projected regional freeway deficiencies in both 2014 and 2030, this increase is considered substantial in relation to the forecasted traffic load and capacity of the street system. Therefore, the proposed project, in conjunction with The Ripcurl project and other cumulative projects in the area would result in a significant and unavoidable cumulative impact to area traffic. Consequently, because the proposed project would contribute traffic to the projected freeway deficiencies, the project's contribution is considerable. | |
| Utilities and Service Systems | Impact 4.14-4 Implementation of either Option 1 or Option 2 of the proposed project could require new sewer connections, and could require or result in the construction of new or expanded conveyance systems. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.14-4 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.14-1. Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.14-4 to less-than-significant levels, are hereby incorporated into the project. The short segment (approximately 10 linear feet) will need to be analyzed to determine the appropriate size for capacity (to 12-inch diameter or larger) to accommodate existing and future flows. Mitigation measure MM4.14-1 would ensure that proper sewer connections are provided for at the proposed project site. |

Table 2-1 CEQA Findings for the GPA/ZIA for The Village at Bella Terra

| Impact Statement | Impact Summary | Findings |
|--|---|--|
| Impact 4.14-5 Implementation of the proposed project would include new stormwater treatment control BMPs, the operation of which would not result in significant environmental effects. | The proposed project would involve the construction and operation of stormwater treatment control Best Management Practices (BMPs) that would be identified in a Stormwater Pollution Prevention Plan (SWPPP), which would be a part of the project's Water Quality Management Plan (WQMP). The City has general/standard conditions of approval to protect receiving water quality from short- and long-term impacts of new development and significant redevelopment, which include CR4.14-1 and CR4.14-2. Since stormwater treatment control BMPs must be in conformance with approved plans and specifications of appropriate agencies, operations would not be anticipated to result in significant environmental effects including, but not limited to, vectors or odors. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.14-5 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.14-1 and CR4.14-2. |

CHAPTER 3 Findings Regarding Project Alternatives

3.1 INTRODUCTION

The EIR prepared for The Village at Bella Terra project considered three separate alternatives to the proposed project. Pursuant to Section 15126.6(a) of the CEQA Guidelines, the primary intent of an alternatives evaluation is to “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.”

This chapter describes the project objectives and design criteria used to develop and evaluate project alternatives presented in the Draft EIR. A description of the alternatives compared to the proposed project and the findings regarding the feasibility of adopting the described alternatives is presented for use by the City in the decision-making process.

3.2 PROJECT OBJECTIVES

The objectives of the proposed project, as identified by the City, are as follows:

- Implement the policies and development standards of the City General Plan and The Crossings Specific Plan.
- Assist in the implementation of the Redevelopment Plan.
- Enhance the Edinger Corridor as a destination for visitors by expanding hotel, retail, and entertainment opportunities.
- Create a development compatible with and sensitive to the existing land uses in the project area.
- Expand residential opportunities in the Edinger Corridor to provide a greater number and variety of housing options and a stronger base for the commercial sector of the Edinger Corridor.
- Ensure the proposed residential development complies with the City's affordable housing requirements and includes an affordable housing component.
- Enhance the community image of Huntington Beach through the design and construction of high quality, state-of-the-art development.
- Ensure adequate utility infrastructure and public services for new development and that the timing and funding of improvements is closely correlated with development phasing.
- Mitigate environmental impacts to the greatest extent possible.

The Applicant's objectives for The Village at Bella Terra project are as follows:

- **Housing:** Provide an economically viable mixed use residential element to Bella Terra in order to assist the City in meeting its housing goals and to expand the client base for retail and restaurant uses at Bella Terra.
- **Economic Growth and Employment:** Provide (a) economic growth opportunities for the community through development of the project dining/retail/entertainment center, consistent with the City's General Plan goals; (b) additional employment opportunities for local and area residents through the commercial, residential, and retail uses on site; and (c) high-density residential to support the commercial components of Bella Terra.
- **Neighborhood Identity:** Reinforce the neighborhood identity of Bella Terra and the Towers at Bella Terra through project design elements such as architecture, landscaping, color, paving, walls, fencing, signage, entry treatment, and roadway design.
- **Commercial Phasing and Residential Density:** Maintain ability to build commercial and residential area in phases to provide a population base to help support the commercial, residential, and office uses consistent with the purpose of Bella Terra.
- **Pedestrian Access:** Implement a means of pedestrian access through the project via on-site paths consistent with the Specific Plan objectives.
- **Traffic Improvements:** Enhance project circulation and the surrounding roadway system by providing efficient vehicular access through the site and connecting the site to the surrounding existing roadway network.

3.3 SELECTION OF ALTERNATIVES

The range of feasible alternatives was selected and discussed in a manner to foster meaningful public participation and informed decision-making. Among the factors that were taken into account when considering the feasibility of alternatives (as described in CEQA Guidelines Section 15126.6[f]) were environmental impacts, economic viability, availability of infrastructure, regulatory limitations, jurisdictional boundaries, and attainment of project objectives. As stated in Section 15126.6(a) of the CEQA Guidelines, an EIR need not consider an alternative whose effects could not be reasonably identified, whose implementation is remote or speculative, or one that would not achieve the basic project objectives. The analysis includes sufficient information about each alternative to provide meaningful evaluation, analysis and comparison with the proposed project.

3.4 PROJECT ALTERNATIVES FINDINGS

The following is a description of the alternatives evaluated in comparison to the proposed project, as well as a description of the specific economic, social, or other considerations that make them infeasible for avoiding or lessening the impacts. The City finds that the adoption of any of the alternatives to the project is infeasible. The reasons for each finding are provided following the description of the alternative, and are further described in the Draft EIR.

3.4.1 The Village at Bella Terra Alternatives

As shown below and in Chapter 6 (Alternatives) of the Draft EIR, three alternatives were evaluated in comparison to the proposed project. The environmental advantages and disadvantages of each of these alternatives are described. The alternatives that were selected for analysis include:

- **Alternative 1: No Project/No Development Alternative**—In addition to alternative development scenarios, Section 15126.6(e) of the CEQA Guidelines requires the analyses of a “no project” alternative. The purpose of examining such an alternative is to allow decision-makers to compare the effects of approving the project with the effects of not approving the project. For the purposes of this analysis, the “no project” alternative would serve as a “no development” alternative with the site remaining in its existing condition. This would include the continuation of the existing 190,100 sf of vacant retail use and 18,600 sf of vacant auto repair uses. The site would remain in its current state, and would not allow further development nor would the existing buildings acquire tenants.
- **Alternative 2: No Project/Reasonably Foreseeable Development under the Current General Plan**—Consistent with Section 15126.6(e)(3)(C) of the CEQA Guidelines, this alternative assumes the site would be developed as mixed-use site as identified in the existing General Plan. Therefore, this alternative assumes that 396 residential units (690,426 sf) would be developed along with 345,213 sf of commercial space. In general, this alternative would result in similar, although generally reduced, environmental impacts as compared to either Option 1 or Option 2 of the proposed project. However, transportation impacts would be increased.
- **Alternative 3: Reduced General Plan Amendment/Zoning Text Amendment Alternative**—This alternative assumes a reduced intensity of the project elements at the same project site. Under this alternative, the proposed The Village at Bella Terra project would develop 538 residential units and 138,085 sf of commercial uses.

■ Alternatives Considered but Eliminated from Further Evaluation

An additional alternative was initially considered but found to be infeasible. Initially, the City considered an alternative location for the project as being a feasible alternative. Given that the City of Huntington Beach is a highly urbanized area, underdeveloped or vacant land parcels of similar size to the project are limited. Additionally, many of the project objectives would not be satisfied by moving the project to another location. For example, one of the objectives is to enhance the Edinger Corridor as a destination for visitors by expanding hotel, retail, and entertainment opportunities, which thereby limits the potential for alternative locations. Another objective is to assist in the implementation of the Redevelopment Plan. Alternative locations that may be suitable in size to accommodate future mixed-use development would not be able to further the revitalization of this targeted area due to their location off of Edinger or outside the Redevelopment Project Area. In addition, there are a number of other project objectives that could not be served at other locations. For example, the project is designed to provide an economically viable mixed-use residential element to the existing Bella Terra Mall in order to assist the City in meeting its housing goals and to expand the client base for retail and restaurant uses at the Bella Terra Mall. No other feasible locations are available in the City to successfully complete this objective. Therefore, the alternative site alternative was rejected as infeasible.

■ No Project/No Development Alternative

As discussed previously, Section 15126.6(e) of the CEQA Guidelines requires the analysis of a “no project” alternative. The purpose of examining such an alternative is to allow decision-makers to compare the effects of approving the project with the effects on not approving the project. This “no project” analysis must discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not to be approved. The No Project/No Development Alternative represents the status quo; the project site would remain vacant with the existing 190,100 sf retail space and 18,600 sf auto repair uses. No residential uses or improvements to the site would occur.

In general, no new environmental effects would directly result from the selection of this alternative. Maintenance of the project site in its present state would allow the continuation of the vacant buildings. As a result, the project would not attract new vehicle traffic, nor would this alternative result in an increase in air quality or noise impacts. The site would remain visually as-is, eliminating changes to the visual character and land uses on site. However, the introduction of a high-density mixed-use project near an existing transit center and regional shopping center would also not occur. No significant and adverse environmental impacts directly or cumulatively associated with this alternative would occur.

Under this alternative, future mixed-use development would not be constructed. As a result, none of the identified project objectives would be obtained by implementation of this alternative, as no new retail or residential uses would be developed. While this alternative may result in a reduction of most environmental impacts associated with the proposed project, it would not satisfy the identified project objectives.

Findings

The City hereby finds that the No Project/ No Development Alternative is infeasible for the following environmental, economic, social, and other considerations:

- Would not assist in the implementation of the Redevelopment Plan.
- Would not enhance the Edinger Corridor as a destination for visitors by expanding hotel, retail, and entertainment opportunities.
- Would not expand residential opportunities in the Edinger Corridor to provide a greater number and variety of housing options and a stronger base for the commercial sector of the Edinger Corridor.
- Would not enhance the community image of Huntington Beach through the design and construction of high quality, state-of-the-art development.

■ No Project/Reasonably Foreseeable Development under the Current General Plan

This alternative assumes the development level articulated in the City’s General Plan (1996). Currently, the project site has a General Plan designation of CR-F2-sp-mu-F9 (Commercial Regional), with a mixed-use and specific plan overlay. The project site currently has a zoning designation of SP (Specific Plan No. 13—The Crossings), which establishes the general type, location, architectural style and character of all development within the site’s boundaries. Specific Plan No. 13 provides for a planned

retail, dining, and entertainment complex but does not permit residential uses. Therefore, the existing land use and zoning designations are not consistent with one another.

Assuming a future lot line adjustment would also occur under this alternative, with a project site of 15.85 acres (approximately 690,426 sf), roughly 1,035,639 sf of residential and commercial uses could be developed. Therefore, under this alternative, a total of 396 residential units and 345,213 sf of commercial space would be developed, as this is the largest amount allowed under the current General Plan. Site configuration would be similar to conceptual plans identified under the proposed project and implementation of this Alternative would also require a Zoning Text Amendment (ZTA) in order to amend Specific Plan No. 13 to allow residential uses on site as well as a GPA to increase stories from four to six.

Although this Alternative would fulfill the project objectives identified for the proposed project, it would not reduce the significant and unavoidable impacts identified for the proposed project to less-than-significant levels. Further, this alternative could, in the case of traffic, increase impacts as it allows for more commercial uses to be located on site, and commercial uses, in general, result in greater trip generation than residential uses.

Findings

The City hereby finds that the No Project/Reasonably Foreseeable Development under the Current General Plan Alternative is infeasible for the following environmental, economic, social, and other considerations:

- Would not enhance the Edinger Corridor as a destination for visitors by expanding hotel, retail, and entertainment opportunities.
- Would not expand residential opportunities in the Edinger Corridor to provide a greater number and variety of housing options and a stronger base for the commercial sector of the Edinger Corridor.
- Would not enhance the community image of Huntington Beach through the design and construction of high quality, state-of-the-art development.

■ Reduced GPA/ZTA Alternative

This alternative (referred to as the reduced alternative) assumes a reduced development scenario would occur at the project site. This alternative assumes development of the lower development potential of commercial and residential uses under each Option of the proposed project. Therefore, a total of 583 residential units and 138,085 sf of commercial space would be developed under this alternative. This alternative would result in a similar overall site plan as identified for the proposed project, and would occur in the same 15.85-acre site as the proposed project. Similar to the proposed project, this alternative would require a GPA and ZTA to allow for a greater density of development than what is allowed under the current General Plan.

Implementation of Alternative 3 would satisfy all of the identified project objectives. Under this alternative, 538 residential units and 138,085 sf of commercial space would be developed on the project

site. This would satisfy all objectives relating to developing dense residential uses within the Edinger Corridor while offering close proximity to retail opportunities.

Although the Alternative would fulfill the project objectives identified for the proposed project, it would not reduce significant impacts identified for the proposed project to less-than-significant levels and would not fully realize the goal of establishing a mixed use center on the site.

Findings

The City hereby finds that the Reduced GPA/ZTA Alternative is infeasible for the following environmental, economic, social, and other considerations:

- Would not provide the same level of residential and commercial/retail uses at the project site.
- Would not provide as strong a residential base for the commercial sector of the Edinger Corridor.
- Would meet the City's housing goals to a lesser degree.

CHAPTER 4 Statement of Overriding Considerations

4.1 INTRODUCTION

Section 15093 of the CEQA guidelines states:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reason to support its actions based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination.

The City of Huntington Beach proposes to adopt a Statement of Overriding Considerations regarding the significant project-specific air quality, noise, and traffic impacts, as well as cumulative air quality, noise, population/housing and traffic impacts, of the proposed project. This section describes the anticipated economic, social, and other benefits or other considerations of the proposed project to support the decision to proceed with the project even though six identified project-specific impacts and four identified cumulative impacts are not mitigated to a less-than-significant level.

4.2 SIGNIFICANT ADVERSE IMPACTS

The City is proposing to approve the proposed project, with revisions to reduce environmental impacts, and has prepared an EIR required by CEQA. Even with revisions in the project, the following impacts are unavoidable because it has been determined that no feasible mitigation is available or the mitigation that could be implemented is outside the purview of the City and the Applicant. Refer to Chapter 2 (CEQA Findings) for further clarification regarding the impact listed below.

Air Quality

- Peak construction activities associated with Option 1 or Option 2 of the proposed project would generate air emissions that exceed SCAQMD thresholds. Impacts would be significant and unavoidable.
- Daily operation of either Option 1 or Option 2 of the proposed project would generate air emissions that exceed SCAQMD thresholds. Impacts would be significant and unavoidable.

- Construction activities associated with implementation of either Option 1 or Option 2 of the proposed project would generate emissions that would result in an exceedance of localized significance thresholds for CO, NO₂, PM₁₀, and PM_{2.5} established by the SCAQMD, and, therefore, could expose sensitive receptors to substantial pollutant concentrations.
- The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

Noise

- Pile driving activities associated with construction of either Option 1 or Option 2 of the proposed project would result in a substantial temporary increase in ambient noise levels. Impacts would be significant and unavoidable.
- The proposed project's construction-related temporary increases in ambient noise levels (e.g., pile driving) would result in a significant and unavoidable cumulative impact.

Population and Housing

- The proposed project would, in combination with cumulative development, provide additional housing opportunities. This growth would serve the existing population and help to meet anticipated housing demand in the City and County. However, because all cumulative residential development would ultimately contribute to the substantial exceedance of SCAG population projections for the City for the 2015 timeframe, both Option 1 and Option 2 under the proposed project would have a considerable contribution to the cumulative impact. Therefore, this cumulative impact is considered significant and unavoidable.

Transportation/Traffic

- Under Year 2014 conditions, operation of either Option 1 or Option 2 of the proposed project could contribute to projected deficiencies on I-405. Impacts would be significant and unavoidable.
- Implementation of either Option 1 or Option 2 of the proposed project would contribute to projected regional freeway deficiencies in 2030, which is considered an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system. Impacts would be significant and unavoidable.
- Because the proposed project would contribute traffic to the projected freeway deficiencies, the project's contribution is considerable and the cumulative impact is significant and unavoidable.

4.3 FINDINGS

The City has evaluated all feasible mitigation measures and project revisions with respect to the project's impacts, both project-specific and cumulative (see Chapter 2, CEQA Findings). The City has also examined a reasonable range of alternatives to the proposed project (see Chapter 3, Findings Regarding Project Alternatives). Alternatives 1 and 3 would potentially result in lesser environmental impacts than the proposed project, although not necessarily less than significant. The Reasonably Foreseeable Development under the Current General Plan Alternative (Alternative 2) may result in greater impacts with respect to traffic. Based on this examination, the City has determined that because of its reduced intensity, the Reduced GPA/ZTA Alternative (Alternative 3) is considered to be the environmentally superior alternative. However, the City finds these alternatives infeasible and less desirable than the proposed project and has rejected these alternatives from further consideration because they would not achieve the environmental, economic, social, and other considerations outlined in Chapter 3 (Findings Regarding Project Alternatives).

4.4 OVERRIDING CONSIDERATIONS

Specific economic, social, or other considerations outweigh the project-specific and cumulative air quality, noise, population and housing and transportation/traffic impacts stated above. The reasons for proceeding with GPA Option 1 and the associated ZTA, even though six identified project-specific impacts and four cumulative impacts are not fully mitigated to a less-than-significant level, are described below.

■ Proposed Project Benefit

1. The proposed project would provide a new, centrally located state-of-the-art mixed use development that would be located within the Edinger Corridor in close proximity to the existing Bella Terra development and would serve as a model for modern residential development.
2. The project would maximize land use opportunities by combining both residential and commercial land uses in a well-integrated urban environment.
3. The project would promote residential and commercial buildings that convey a high quality visual image and character, as well as provide for the development of mixed use projects that integrate residential and commercial uses and ensure compatibility of these uses.
4. The project emphasizes compatibility and sensitivity to the existing uses surrounding the site and would include a variety of sustainable features from those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification or Build It Green's Building Guidelines and Ratings Systems throughout the site and achieve LEED certification in at least one future building (minimum building size of 1,000 square feet).
5. The project will maintain and enhance the community image of Huntington Beach through the design and construction of high quality development consistent with the Urban Design Element of the City's General Plan and the Design Guidelines of Specific Plan No. 13.

6. The project would foster walkability and reduced vehicle trips by locating close to an established transit center, college and shopping and other services.
7. The project may provide both apartments and condominiums, filling an unmet niche in terms of housing production in the City as well as improving the supply of rental housing in the City.
8. The project will provide the equivalent of 15 percent of the units as affordable housing, consistent with City requirements and California Redevelopment Law.
9. The project will improve the visual quality by resulting in the demolition and site clean-up of the vacant retail store and automotive repair use on-site.
10. The project will enhance and promote the transformation of Bella Terra from a stand-alone shopping center to the Town Center Core of a vital city district.

City of Huntington Beach

The Village at Bella Terra Project

Final Environmental Impact Report:
SCH No. 2008031066

Mitigation Monitoring and Reporting Program

Prepared for
City of Huntington Beach
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2000 Main Street, Third Floor
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October 2008

ATTACHMENT NO. 9.1

Mitigation Monitoring Program

A. INTRODUCTION

The Final Environmental Impact Report for The Village at Bella Terra Project (State Clearinghouse #2008031066) identified mitigation measures to reduce the adverse effects of the project in the areas of: aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, transportation/traffic, and utilities and service systems.

The California Environmental Quality Act (CEQA) requires that agencies adopting environmental impact reports ascertain that feasible mitigation measures are implemented, subsequent to project approval. Specifically, the lead or responsible agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during applicable project timing, e.g. design, construction, or operation (Public Resource Code §21081.6). Code Requirements (CRs) that were identified in the Draft EIR are required to be implemented as a result of existing City code and are not considered mitigation measures. Therefore, CRs would be implemented for The Village at Bella Terra Project but these do not require monitoring activity, and are not included in this Mitigation Monitoring and Reporting Program (MMRP).

In addition, the CAPCOA Mitigation Measures listed in Table 4.2-21 and the CAT GHG Emissions Reduction Mitigation Measures/Design Strategies listed in Table 4.2-22 of the Draft EIR are required to be implemented.

The MMRP shall be used by the City of Huntington Beach staff responsible for ensuring compliance with mitigation measures associated with The Village at Bella Terra Project. Monitoring shall consist of review of appropriate documentation, such as plans or reports prepared by the party responsible for implementation or by field observation of the mitigation measure during implementation.

The following table identifies the mitigation measures by resource area. The table also provides the specific mitigation monitoring requirements, including implementation documentation, monitoring activity, timing and responsible monitoring party. Verification of compliance with each measure is to be indicated by signature of the mitigation monitor, together with date of verification.

The Project Applicant and the Applicant's Contractor shall be responsible for implementation of all mitigation measures, unless otherwise noted in the table.

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| Aesthetics | | | | | | |
| MM4.1 To the extent feasible, the Applicant shall use non-reflective facade treatments, such as matte paint or glass coatings. Prior to issuance of building permits for the proposed project, the Applicant shall indicate provision of these materials on the building plans. | Project building plans | Review and approve building plans for inclusion of features | Plan check prior to issuance of building permit | Planning | | |
| Air Quality | | | | | | |
| MM4.2-1 During construction, operators of any gas or diesel fueled equipment, including vehicles, shall be encouraged to turn off equipment if not in use or left idle for more than five minutes. | Contract language and notes on grading and building plans | Review and approve contract specifications, grading and building plans for inclusion | Plan check prior to issuance of a grading permit | Planning | | |
| MM4.2-2 The Applicant shall require by contract specifications that the architectural coating (paint and primer) products used would have a low VOC rating. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a building permit. | Contract language and notes on building plans | Review and approve contract specifications and building plans for inclusion | Perform periodic field check during construction to ensure compliance | Planning | | |
| MM4.2-3 The Applicant shall require by contract specifications that electrical outlets are included in the building design of the loading docks to allow use by refrigerated delivery trucks. The proposed project Applicant shall require that all delivery trucks do not idle for more than five minutes. If loading and/or unloading of perishable goods would occur for more than five minutes, and continual refrigeration is required, all refrigerated delivery trucks shall use the electrical outlets to continue powering the truck refrigeration units when the delivery truck engine is turned off. | Contract language and notes on building plans | Review and approve contract specifications and building plans for inclusion | Plan check prior to issuance of a building permit | Planning | | |

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| Biological Resources | | | | | | |
| MM4-3-1 Nesting habitat for protected or sensitive avian species: | Developer shall submit construction schedule (including grading activities) as evidence of construction overlap with breeding season. | Review schedule and field survey report, and as necessary, review and approve plans indicating construction limits | Plan check prior to issuance of a grading permit | Planning | | |
| 1. Vegetation removal and construction shall occur between September 1 and January 31 whenever feasible. | | | | | | |
| 2. Prior to any construction or vegetation removal between February 15 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitats within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with CDFG protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified onsite (per established thresholds) a 250-foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or USFWS. | If construction occurs during relevant breeding, developer shall present a survey report (prepared by a consultant approved by the City) to the City prior to issuance of a grading permit. If nests are found, developer shall submit plans identifying nest locations and limits of construction activities. | Perform periodic field check to ensure compliance | During construction | Planning | | |
| 3. Completion of the nesting cycle shall be determined by qualified ornithologist or biologist. | | | | | | |
| Cultural Resources | | | | | | |
| MM4-4-1 The Applicant shall arrange for a qualified professional archaeological and paleontological monitor to be present during all project-related ground-disturbing activities. In addition, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find, until a qualified archaeologist or paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel will also be informed that unauthorized collection of cultural resources is prohibited. | Proof of retention of archaeological and paleontological monitor | Verify retention of qualified monitors | Plan check prior to issuance of grading permit | Planning | | |
| | | Periodic field check to ensure monitors are present | Throughout ground-disturbing activities | Planning | | |

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| MM4.4-2 If archaeological or paleontological resources are discovered during ground-disturbing activities, all construction activities within 50 feet of the find shall cease until the archaeologist/paleontologist evaluates the significance of the resource. In the absence of a determination, all archaeological and paleontological resources shall be considered significant. If the resource is determined to be significant, the archaeologist or paleontologist, as appropriate, shall prepare a research design for recovery of the resources in consultation with the State Office of Historic Preservation that satisfies the requirements of Section 21083.2 of CEQA. The archaeologist or paleontologist shall complete a report of the excavations and findings, and shall submit the report for peer review by three County-certified archaeologists or paleontologists, as appropriate. Upon approval of the report, the City shall submit the report to the South Central Coastal Information Center at California State University, Fullerton, and keep the report on file at the City of Huntington Beach. | Notes on grading plans Research design and recovery plan, if required | Review and approve grading plans for inclusion Review and approve research design and recovery plan | Plan check prior to issuance of grading permit Throughout ground-disturbing activities | Planning Peer review by three County-certified professionals | | |
| MM4.4-3 In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and the Developer shall immediately notify the City and the Orange County Coroner of the find and comply with the provisions of P.R.C. Section 5097. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 24 hours of notification, and may recommend scientific removal and non-destructive analysis of human remains and items associated with Native American burials. | Notes on grading plans | Review and approve grading plans for inclusion | Plan check prior to issuance of grading permit Throughout ground-disturbing activities | Orange County Coroner & Planning | | |
| Geology and Soils | MM4.5-1 The grading plan prepared for the proposed project shall contain the recommendations of the final soils and geotechnical report. These recommendations shall be implemented in the design of the project, including but not limited | Notes on grading plan and building plans | Review and approve grading and building plans for inclusion of | Public Works | | |

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| to measures associated with site preparation, fill placement, temporary shoring and permanent dewatering, groundwater seismic design features, excavation stability, foundations, soil stabilization, establishment of deep foundations, concrete slabs and pavements, surface drainage, cement type and corrosion measures, erosion control, shoring and internal bracing, and plan review. | final soils and geotechnical recommendations | | | Building and Safety | |
| Hazardous Materials | Risk Management Plan & Site Health and Safety Plan | Review and approve any grading plans for inclusion | Plan check prior to issuance of any grading permit | Fire | |

MM4.6-1 In the event that soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction in the project area, construction activities in the immediate vicinity of the contamination shall cease immediately. For soil and/or groundwater impacts, Risk Management Plan(s) shall be submitted to the appropriate agencies (e.g., Huntington Beach Fire Department HBFD, Orange County Health Care Agency OCHCA, Air Quality Management District AQMD, Regional Water Quality Control Board RWQCB) for review and approval. The Plan(s) shall (1) identify the contaminants of concern and the potential risk each contaminant would pose to human health and/or the environment during construction and post-development and (2) describe measures to be taken to protect workers, and the public, and/or the environment from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. A Site Health and Safety Plan that meets California Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area.

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| MM4.6-2 Prior to the issuance of grading permits, the project shall comply with HBFD City Specification No. 429, Methane District Building Permit Requirements. A plan for the testing of soils for the presence of methane gas shall be prepared and submitted by the Applicant to the HBFD for review and approval, prior to the commencement of sampling. If significant levels of methane gas are discovered in the soil on the project site, the Applicant's grading, building and methane plans shall reference that a sub-slab methane barrier and vent system will be installed at the project site per City Specification No. 429, prior to plan approval. If required by the HBFD, additional methane mitigation measures to reduce the level of methane gas to acceptable levels shall be implemented. | Methane Testing Plan Notes on building and methane plans | Review and approval of testing plan Review and approve building and methane gas plans for appropriate documentation | Prior to commencement of sampling Prior to issuance of any grading permit and during construction | Fire Fire | | |
| MM4.6-3 Prior to project implementation, the Applicant shall submit for approval a soil testing and management work plan to the appropriate agencies (including the HBFD, OCHCA, AQMD, RWQCB) for review and approval. All native and imported soils associated with the proposed project site shall meet the standards outlined under the City's Specification No. 431-92 prior to the approval of grading plans and building plans by the HBFD, and any other appropriate federal, state, local requirements. Additionally, all work at the project site shall conform to the City's Public Works Department requirements (i.e., haul route permits). | Soil Testing Work Plan | Review and approve soil testing work plan | Prior to issuance of any grading permit | Fire | | |
| Hydrology and Water Quality | | | | | | |
| MM4.7-1 The Applicant shall prepare a City of Huntington Beach-approved Water Quality Management Plan in accordance with the DAMP Requirements for a Project WQMP and measures described below. | Water Quality Management Plan | Review and approve WQMP | Prior to receiving a precise grading permit | Public Works | | |

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| <p>shall include the following additional requirements:</p> <p>Project and Site Characterization Requirements</p> <ul style="list-style-type: none"> ■ Entitlement Application numbers and site address shall be included on the title sheet of the WQMP ■ In project description section, explain whether proposed use includes onsite food preparation, eating areas (if not please state), outdoor activities to be expected, vehicle maintenance, service, washing cleaning (if prohibited onsite, please state). ■ All potential pollutants of concern for the proposed project land use type as per Table 7.II-1 of the Orange County Model Water Quality Management Plan shall be identified ■ A narrative describing how all potential pollutants of concern will be addressed through the implementation of BMPs and describing how site design BMP concepts will be considered and incorporated into the project design shall be included. ■ Existing soil types and estimated percentages of perviousness for existing and proposed conditions shall be identified ■ In Section I of the WQMP, state verbatim the Development Requirements from the Planning Department's letter to the Applicant. ■ A figure showing the selected treatment BMPs and drainage areas shall be included in the WQMP. <p><u>Structural Treatment BMPs</u></p> <ul style="list-style-type: none"> ■ Infiltration-type BMPs shall not be used. These would not be suitable or feasible for the project site because, as mentioned above, the project site soils have a shallow depth to seasonal high groundwater. ■ Wet swales and grassed channels shall not be used because of the slow infiltration rates of project site soils and potentially shallow depth to groundwater ■ Dry and wet detention basins and constructed wetlands are not recommended for the project site because of the amount | | | | | |

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| <p>Of area required for treatment and potential impacts to shallow groundwater. Additionally, wet detention basins would require approval by the vector control agency.</p> <ul style="list-style-type: none"> ■ If proprietary Structural Treatment Control devices are used, they shall be sited and designed also in compliance with the manufacturers design criteria. ■ Treatment BMPs shall be selected such that standing water drains within 24 hours or as required by the City's vector control. ■ Excess stormwater runoff shall bypass the treatment BMPs unless they are designed to handle the flow rate or volume from a 100-year storm event without reducing effectiveness. Effectiveness of any treatment BMP for removing the pollutants of concern shall be documented. ■ The WQMP shall incorporate water efficient landscaping using drought tolerant, native plants in accordance with Landscape and Irrigation Plans as set forth by the Association (see below). ■ Pet waste stations shall be provided and maintained. ■ Building materials shall minimize exposure of bare metals to stormwater. Copper or Zinc roofing materials, including downspouts, shall not be used. Bare metal surfaces shall be painted with non-lead containing paint. <p>For all structural treatment and source control BMPs, the WQMP shall identify the responsible party, such as a Master Residential Association and Master Commercial Association or property owner, for maintenance of the treatment system, and a funding source or sources for its operation and maintenance. The term Association refers to the responsible party. Operations and maintenance BMPs shall include, but not be limited to:</p> <ul style="list-style-type: none"> ■ The Association shall dictate minimum landscape maintenance standards and tree trimming requirements for the total project site. Landscape maintenance must be performed by a qualified landscape maintenance company or individual in accordance with a Chemical Management Plan | | | | | |

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| <p>detailing chemical application methods, chemical handling procedures, and worker training. Pesticide application shall be performed by a certified applicator. No chemicals shall be stored on-site unless in a covered and contained area and in accordance with an approved Materials Management Plan.</p> <p>Application rates shall not exceed labeled rates for pesticides, and shall not exceed soil test rates for nutrients.</p> <p>Slow release fertilizers shall be used to prevent excessive nutrients in runoff or irrigation waters.</p> <ul style="list-style-type: none"> ■ The Association shall have the power and duty to establish, oversee, guide, and require proper maintenance and tree trimming procedures per the ANSI A-300 Standards as established by the International Society of Arborist. The Association shall require that all trees be trimmed by or under the direct observation/direction of a licensed/certified Arborist, for the entire The Village at Bella Terra improvement area. The Association shall establish minimum standards for maintenance for the total community, and establish enforcement thereof for the total community. The Association shall rectify problems arising from incorrect tree trimming, chemical applications, and other maintenance within the total community. ■ Landscape irrigation shall be performed in accordance with an Irrigation Management Plan to minimize excess irrigation contributing to dry- and wet-weather runoff. If automated sprinklers are used, they shall be inspected at least quarterly and adjusted yearly to minimize potential excess irrigation flows. Landscape irrigation maintenance shall be performed in accordance with the approved irrigation plans, the City Water Ordinance and per the City Arboricultural and Landscape Standards and Specifications. ■ Proprietary stormwater treatment systems maintenance shall be in accordance with the manufacturer's recommendations. If a non-proprietary treatment system is used, maintenance shall be in accordance with standard practices as identified in the CASQA (2003) handbooks, City BMP guidelines, or | | | | | |

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| <p>Other City-accepted guidance.</p> <ul style="list-style-type: none"> ■ Education programs. Signage, enforcement of pet waste controls, and public education would improve use and compliance, and therefore, effectiveness of this BMP and reduce potential for hazardous materials and other waste in stormwater runoff. The Association shall prepare and install appropriate signage, disseminate information to residents and retail businesses, and include pet waste controls in the Association Agreement/Conditions, Covenants, and Restrictions. ■ Street sweeping shall be performed at an adequate frequency to prevent build up of pollutants (see http://www.fhwa.dot.gov/environment/ultraurb/ for street sweeping effectiveness) ■ Maintenance Plan. The Association shall develop a maintenance plan for BMPs and facilities identifying responsible parties and maintenance schedules and appropriate BMPs to minimize discharges of contaminants to storm drain systems during maintenance operations. No discharge of building or courtyard/open space wash water shall enter the storm drain system unless treated and approved by the City of Huntington Beach. ■ Reporting requirements: the Association shall prepare an annual report and submit the annual report to the City of Huntington Beach documenting the BMPs operations and maintenance conducted that year. The annual report shall also address the potential system deficiencies and corrective actions taken or planned. <p>The Applicant is encouraged to consider the following BMPs:</p> <ul style="list-style-type: none"> ■ Use of porous concrete or asphalt (if acceptable to the Geotechnical Engineer) or other pervious pavement for driveways, paths, sidewalks, and courtyards/open space areas to the maximum extent practicable will reduce pollutants in stormwater runoff as well as provide some detention within the material void space. If porous paver | | | | | |

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| <ul style="list-style-type: none"> ■ blocks are used, they must be adequately maintained to provide continued porosity (effectiveness). ■ Incorporation of rain gardens or cisterns to reuse runoff for landscape irrigation ■ Site design and landscape planning to group water use requirements for efficient irrigation ■ Sand filters or other filters(including media filters) for rooftop runoff ■ Dry swales a dry swale treatment system could be used if sufficient area, slope gradient, and length of swale could be incorporated into the project design (PBS&J 2008). Dry swales could remove substantial amounts of nutrients, suspended solids, metals, and petroleum hydrocarbons (PBS&J 2008). ■ Other proprietary treatment devices (if supporting documentation is provided) <p>These BMPs shall not be used because they have not been shown to be effective in many situations. Therefore, unless sufficient objective studies and review are available and supplied with the WQMP to correctly size devices and to document expected pollutant removal rates the WQMP shall not include:</p> <ul style="list-style-type: none"> ■ Hydrodynamic separator type devices as a BMP for removing any pollutant except trash and gross particulates ■ Oil and Grit separators | | | | | |
| CofA4.7-1 | Prior to receiving a precise grading or building permit, the Applicant shall prepare a site Grading and Drainage Plan containing the recommendations of the final Soils and Geotechnical Reports analysis for temporary and permanent groundwater dewatering as well as for surface drainage. | Grading and Drainage Plan | Review and approval of Grading and Drainage Plan | Prior to issuance of a precise grading or building permit | Public Works |
| MM4.7-2 | The Applicant shall prepare a Groundwater Hydrology Study to determine the lateral transmissivity of area soils and a safe pumping yield such that dewatering activities do not interfere with nearby water supplies. Based on the Groundwater Hydrology Study, the Geotechnical, Hydrogeologic, or other | Groundwater Hydrology Study | Review and approve Groundwater Hydrology Study | Prior to issuance of a precise grading permit | Public Works |

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| <p>qualified Engineer shall determine whether permanent groundwater dewatering is feasible within the constraints of a safe pumping level. The project Applicant shall incorporate the qualified Engineers designs and recommendations into project plans. If safe groundwater dewatering is determined to not be feasible, permanent groundwater dewatering shall not be implemented. The City's Director of Public Works shall approve or disapprove of any permanent groundwater dewatering based on the Groundwater Hydrology Study and qualified Engineer recommendations.</p> <p>MM4.7-3 Prepare a Hydrology and Hydraulics Study and City-approved Site Development and Drainage Plan and reduce peak runoff rates to the existing conditions 25-year storm event peak runoff rate; the design capacity of the City storm drainage channels.</p> <p>Prior to receiving a precise grading permit, the project Applicant shall:</p> <ul style="list-style-type: none"> ■ Prepare a Site Development and Drainage Plan ■ Prepare an existing and proposed project Hydrology and Hydraulics Study based on the Site Development and Drainage Plan. The existing hydrology shall include an evaluation of run-on to the project site because of spillage from the Bella Terra Mall drainage system, north of the Montgomery Ward Site. ■ Implement stormwater detention BMPs, based on the Hydrology and Hydraulics Study, for all storm events up to the 100-year storm event, to ensure that peak flow rates from the project site to the off-site storm drain system do not exceed the existing 25-year storm event peak flow rate. ■ Analyze existing street flow capacity to determine exceedance of any design criteria and guidelines from the City's MPD. ■ Additionally, stormwater detention BMPs shall be implemented such that areas draining to the existing piped storm drain systems do not exceed existing peak flow rates | <p>Site Development and Drainage Plan</p> <p>Hydrology and Hydraulics Study</p> | <p>Review and approve plan</p> <p>Review and approve study</p> | <p>Prior to issuance of a precise grading permit</p> <p>Prior to issuance of a precise grading permit</p> | <p>Public Works</p> <p>Public Works</p> | | |

ATTACHMENT NO. 9.13

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| <p>for the 10- and 25-year storm events and that peak flows to local streets do not exceed MPD and City design guidelines:</p> <ul style="list-style-type: none"> > In accordance with the MPD, streets must be designed to leave at least one-lane free of ponded water in each direction for conveyance of the 10-year storm event, must be contained within the curbs for the 25-year storm event, cannot exceed 0.2 foot above the street curbs for the 50-year storm event, and cannot exceed 0.5 foot above the street curbs for the 100-year storm event. > The internal storm drain system must be adequate to detain sufficient stormwater runoff such that the street flow requirements are not exceeded. > Surface ponding or sump areas on the site will be limited to a maximum depth of 8-inches, and shall be distributed to areas away from building pads, and remote areas of parking lots. > Surface ponding or sump areas shall not exceed 1/3 of the proposed parking area in surface area. If there are proposed underground parking structures, they shall not be used for retention or storage, unless approved by the Director of Public Works. ■ Stormwater retention areas shall be analyzed for back to back 24-hour 100-year storm events per the requirements of the Orange County Flood Control Manual. ■ The final Hydrology and Hydraulics Study shall identify and evaluate the routing through the project site in relation to the new buildings, landscaping, utilities, and others. Sufficient detention, provided to mitigate constrained capacities in the Bella Terra Mall drainage system, shall be implemented for run-on from north of the Montgomery Ward site onto the project site. ■ The final Hydrology and Hydraulics Study shall incorporate all NPDES requirements in effect at the time that the precise grading permit is anticipated to be issued or when the study is accepted as complete. | | | | | |

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| <p>Precise final grading and street improvement plans and studies shall be submitted to the Public Works Department for review and approval. The project developer shall incorporate into a final Drainage Plan all recommendations and requirements identified the review of the final Hydrology and Hydraulics Study and identified stormwater detention requirements/features.</p> <p>Following grading, excavation, and installation of utilities, the Public Works Department shall inspect the project site and verify that project site drainage is in accordance with the Final Drainage Plan and that required detention/storm drain system improvements have been implemented.</p> <p>MM4.7-4 The Applicant shall design and implement project site drainage features to minimize stormwater runoff and flood waters from entering into any proposed underground parking structures or otherwise contribute to flood hazards and shall incorporate flood-proofing and hydrostatic pressure measures for all below-ground structures.</p> <p>Prior to receiving a precise grading or building permit, the Applicant shall prepare a Precise Grading and Site Development and Drainage Plan identifying BMPs to minimize underground structure flooding. The Precise Grading and Site Development and Drainage Plan shall implement design features to minimize flooding of underground structures such as, but not limited to:</p> <ul style="list-style-type: none"> ■ Grade areas to drain away from the structure entryways ■ Implement runoff prevention (e.g., berms or dikes) to direct project site runoff and flood flows away from underground structure entryways ■ Elevate underground structure entryways to two-feet above the existing grade (approximate depth of potential flooding from the East Garden Grove-Wintersburg Channel) ■ Implement sumps and pumps within the underground structures to remove any runoff entering the underground structures (this measure shall also be subject to the WQMP and DAMP BMP requirements for discharge treatment and | Precise Grading and Site Development and Drainage Plan | Review and approval of Grading and Site Development and Drainage Plan | Prior to issuance of a precise grading or building permit | Public Works | | |

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| disposal) | | | | | |
| <p>Additionally, the Applicant shall incorporate flood-proofing measures to prevent seepage flooding. Underground structures materials and design shall be in accordance with FEMA floodplain development requirements and the 2007 California Building Code for structures subject to flooding and hydrostatic pressures.</p> <ul style="list-style-type: none"> ■ The geotechnical engineer and/or waterproofing specialist shall prepare design requirements for flood-proofing the underground structures and ensuring that structures are built to withstand hydrostatic pressures. ■ Any utilities located in below grade structures shall be protected from ponding water and seepage in accordance with the geotechnical engineer recommendations and 2007 California Building Code. <p>The Applicant shall also design on-site runoff to drain away from building foundations and shall not allow for more than 8 inches of ponding at any location on-site.</p> | | | | | |
| Note | MM4.9-1 The Applicant shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels: | Contract language and notes on grading and building plans | Review and approve contract specifications, grading and building plans for inclusion | Plan check prior to issuance of a grading permit | Planning |
| | <ul style="list-style-type: none"> ■ Notification shall be mailed to owners and occupants of all developed land uses immediately bordering or directly across the street from the project site area providing a schedule for major construction activities that will occur through the duration of the construction period. In addition, the notification will include the identification and contact number for a community liaison and designated construction manager that would be available on site to monitor construction activities. The construction manager will be located at the on-site construction office during construction hours for the duration of all construction activities. Contract information for the community liaison and construction | | | | |

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| <p>manager will be located at the construction office, City Hall, and the police department.</p> <ul style="list-style-type: none"> ■ Ensure that construction equipment is properly muffed according to industry standards ■ Utilize the best available technology to reduce noise levels from pile driving activities, including but not limited to the use of noise blankets or temporary sound barriers ■ Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible ■ Schedule pile-driving activities between the hours of 8:00 A.M. and 4:00 P.M. on Mondays through Fridays only. | | | | | |
| MM4.9-2 The Applicant shall require by contract specifications that construction staging areas, along with the operation of earthmoving equipment within the project site, are located as far away from vibration- and noise-sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City. | Contract language and notes on grading plans | Review and approve grading plans for inclusion | Prior to issuance of a grading permit | Planning | |
| MM4.9-3 Prior to issuance of building permits, the Applicant shall submit an acoustical study, prepared by a certified acoustical engineer, to ensure that exterior (e.g., patios and balconies) and interior noise levels would not exceed the standards set forth in the City of Huntington Beach Municipal Code Sections 8.40.050 through 8.40.070. Final project design shall incorporate special design measures in the construction of the residential units, if necessary. | Acoustical Study | Review and approval of study and building plans for inclusion any special design measures | Prior to issuance of building permits | Planning | |
| Public Services | | | | | |
| MM4.11-1 Radio antenna receivers (BDAs) shall be installed in all underground parking structures in order to allow emergency responders to use their radio systems. | Final building plans | Review and approval of building plans for inclusion | Prior to issuance of a building permit | Planning | |

ATTACHMENT NO. 9.17

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| Transportation/Traffic | | | | | | |
| MM4.13-1 The Applicant shall provide funds on a fair share basis to the City of Huntington Beach to construct either an additional northbound through lane or an additional westbound through lane at the intersection of Beach Boulevard and Edinger Avenue. | Proof of fair share payment | Confirm payment | Prior to issuance of certificate of occupancy | Public Works | | |
| Utilities and Service Systems | | | | | | |
| MM4.14-1 Prior to issuance of a building permit for the proposed project, the existing 10-inch stubout connection shall be replaced with a stubout, whose size will be determined with a sewer study, to the 69-inch OCSD trunk sewer line so that a replacement sewer lateral can be installed to service the development. The sewer study shall also evaluate the condition of the existing OCSD manhole in Edinger Avenue to determine if the manhole requires rehabilitation. In addition, a second 12-inch point of connection shall be constructed for additional capacity, if necessary. | Sewer Study Infrastructure Improvement Plans | Review and approval of study Review and approval of infrastructure plans | Prior to issuance of a grading permit Prior to issuance of a building permit | Public Works Public Works | | |

SOURCE: PBS&J 2008

ATTACHMENT NO. 10

**DRAFT EIR, FINAL EIR including RESPONSE TO COMMENTS
AND TEXT CHANGES CAN BE REVIEWED AT:**

**DEPARTMENT OF PLANNING
2000 MAIN STREET, HUNTINGTON BEACH
CITY HALL – 3RD FLOOR**

&

ON THE CITY'S WEBSITE:

**[http://www.surfcity-
hb.org/Government/Departments/Planning/major/BTVillage.cfm](http://www.surfcity-hb.org/Government/Departments/Planning/major/BTVillage.cfm)**

DJM**CAPITAL PARTNERS, INC.**

October 3, 2008

Planning Commission
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

RE: Bella Terra Specific Plan

Dear Planning Commissioners:

We have appreciated all the work that Huntington Beach Planning Department and the rest of the City Staff have put into revising the Bella Terra Specific Plan. There are a few points that the planning department and DJM have agreed to disagree on. We would like to express our concerns with these items in the Specific Plan and would advise you to strongly consider this revised language:

1. Section 3.1.5 connection between The Village at Bella Terra property and the Levitz property the language the planning department has written is a more general language, however, is that it might possibly be interpreted as imposing an obligation on the property owner to accommodate a pedestrian access way that hasn't been defined, in a location that hasn't been identified, at an unknown (possibly great) cost, and with impacts on the Bella Terra project that are impossible to measure at this time. DJM's proposed language is language we feel that is most appropriate and fair to both property owners.

Existing Section 3.1.5 Language

"As a supplement to an on-site pedestrian walkway system, potential future pedestrian access such as an at-grade crossing or an above-ground crossing shall be pursued, if feasible, across the existing rail line on the western boundary of the site."

Proposed Section 3.1.5 Language

"As a supplement to an on-site pedestrian walkway system, potential future pedestrian access such as an at-grade crossing or an above-ground crossing shall be pursued, if feasible, across the existing rail line on the western boundary of the site; provided, that the Bella Terra Phase II owner shall not be required to dedicate land or pay for any improvements needed to accommodate a future pedestrian access between the 2 properties and the Bella Terra Phase II owner shall have the right to disapprove such access if it determines the access will adversely impact the Bella Terra Phase II property."

2. Section 4.4.9 Common Residential Recreation Areas**Existing Section 4.4.9 Language**

"Common Residential Recreation Areas shall be provided within the residential common area and shall be allocated as a total of 150 square feet per dwelling unit, a minimum of 60 square feet of which shall be private patio or balcony for the exclusive use of the unit it serves. The

BTDJM Phase II Associates, LLC
922 Laguna Street, Santa Barbara, CA 93101
VOICE: 805-962-4300 FAX: 805-962-4343
info@djmcapital.com – www.djmcapital.com

City of Huntington Beach

OCT 03 2008

DJM

CAPITAL PARTNERS, INC.

BTDJM Phase II Associates, LLC

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VOICE: 805-962-4300 FAX: 805-962-4343

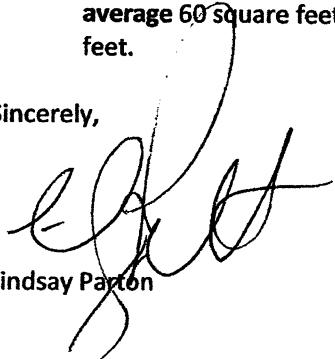
info@djmcapital.com – www.djmcapital.com

minimum 60 square feet of private open space per unit shall have no dimension less than six (6) feet.

Proposed Section 4.4.9 Language

"Common Residential Recreation Areas shall be provided within the residential common area and shall be allocated as a total of 150 square feet per dwelling unit, an average of 60 square feet of which shall be private patio or balcony for the exclusive use of the unit it serves. The average 60 square feet of private open space per unit shall have no dimension less than six (6) feet.

Sincerely,



Lindsay Parton

James, Jane

From: Becky Sullivan [bsullivan@djmcapital.com]
Sent: Monday, October 06, 2008 1:33 PM
To: James, Jane
Cc: Hess, Scott; Lindsay Parton; Matt Benwitt; Rharipo@aol.com
Subject: Sustainable Building Practices
Attachments: Sustainable Building Practices.doc

Jane,

Attached is our list of sustainable building practices that we are considering for The Village at Bella Terra.

Thanks,

Becky Sullivan



922 Laguna Street
Santa Barbara, CA 93101
(805) 962-4300 -Phone
(805) 962-4343 -Fax
(805) 895-3420 -Mobile
bsullivan@djmcapital.com

10/9/2008

ATTACHMENT NO. 12.1

THE VILLAGE AT BELLA TERRA GREEN PROJECT FEATURES

In general, the project site and proposed Master Plan meet many of the favored criteria for sustainable building practices, including:

- Reuse of an existing developed site for the new project
- Higher density which help to reduce urban sprawl
- Mixed Use which places residential in close proximity to many of the daily need retail activities. This reduces auto trips and related pollution.
- Proximity to public transportation, again reducing auto use.

Some of the green features proposed for the project include:

- Storm water, erosion, and siltation management during construction to protect local water quality.
- Storm water quality management in the completed project by taking surface run-off within parking areas, including the parking structure, through oil/water separators prior to discharging to the storm sewer system.
- Reduction of the urban heat island effect by covering the parking with residential and using lighter color roofs on the residential.
- Water conservation through the use of low flow faucets and showers, and dual flush or pressure assist toilets. The goal will be to reduce the domestic water use by 20% below the Federal baseline usage.
- Energy conservation through the use of dual glazed low-e windows, insulated doors, and high efficiency water heating and HVAC units.
- The use of ozone friendly advanced refrigerants (R419a) in HVAC units.
- Institute a construction phase waste recycle program with a goal of diverting 50% of the waste generated by the construction process from landfills.
- Use construction materials with recycle content with a goal of reaching 10% of the overall material content on the project
- Use construction materials from local sources with a goal of having at least 10% of all construction materials being from sources within 500 miles of the site.
- Institute a construction phase indoor air quality program to keep particulate material out of ductwork and to protect absorptive materials from moisture exposure.
- Use low-VOC materials for paint, adhesives, and sealants to improve the indoor environmental quality of the residences.
- Use Energy Star appliances in the residential units for maximum energy efficiency.
- Install carpet and other flooring materials with a recycle content and low-VOC content.

- Provide secure bicycle racks for residents and for shoppers in convenient locations on the site.
- Provide designated recycle storage locations for residential use with space for bins for paper, glass, cardboard, metal, and plastic. Provide a similar recycle storage for the retail tenants' use.
- May install an on-site weather station linked to the public area irrigation systems to reduce irrigation water use.
- If Feasible, develop a Green Landscape Maintenance program which features natural and non-toxic maintenance and fertilized materials. Develop an educational web site for the project to feature the green aspects of the project.
- If Feasible, Develop a Green Housekeeping plan based on Green Seal guidelines for the maintenance of public areas and facilities.

APPLICANT'S PROPOSAL – GPA OPTION 1 AND GPA OPTION 2

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HUNTINGTON BEACH, CALIFORNIA, APPROVING
GENERAL PLAN AMENDMENT NO. 07-001**

WHEREAS, General Plan Amendment No. 07-001 proposes to amend the Land Use Element of the City's General Plan to redesignate an approximate 15.85 acre piece of real property located on the north side of Edinger Avenue just west of the existing Bella Terra development, as more particularly described as Exhibits "A" and "B" attached hereto, from CR-F2-sp-mu-(F9) (Regional Commercial-0.5 FAR-Specific Plan Overlay-Mixed Use Overlay-1.5 FAR [MU-0.5{C}/25 du/acre]) to CR-F2-sp-mu (F14) (Regional Commercial-0.5 FAR-Specific Plan Overlay-Mixed Use Overlay-maximum 1.75 total FAR within either Option 1: 0.2 Commercial FAR/45 du/acre or Option 2: 0.6 Commercial FAR/34 du/acre) on a property located on the north side of Edinger Avenue just west of the existing Bella Terra development. The amendment also includes modifying Subarea 5A of the Community District and Subarea Schedule of the General Plan to differentiate the subject site from the existing Bella Terra mall development, allow horizontally integrated mixed use, and increase the number of stories from four stories to ten stories.

Pursuant to California Government Code, the Planning Commission of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 07-001 and recommended approval of said entitlement to the City Council; and

Pursuant to California Government Code, the City Council of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 07-001; and

The City Council finds that said General Plan Amendment No. 07-001 is necessary for the changing needs and orderly development of the community, is necessary to accomplish refinement of the General Plan, and is consistent with other elements of the General Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach as follows:

SECTION 1: That the real property that is the subject of this Resolution (hereinafter referred to as the "Subject Property") is generally located between Edinger Avenue and Center Avenue, west of the existing Bella Terra development and east of the Union Pacific Rail Road line in the City of Huntington Beach, and is more particularly described in the legal description and sketch attached hereto as Exhibits "A" and "B", respectively, and incorporated by this reference as though fully set forth herein.

SECTION 2: That General Plan Amendment No. 07-001, which amends the General Plan Land Use Designation for the subject area from CR-F2-sp-mu-(F9) (Regional Commercial-0.5 FAR-Specific Plan Overlay-Mixed Use Overlay-1.5 FAR [MU-0.5{C}/25 du/acre]) to CR-F2-sp-mu (F14) (Regional Commercial-0.5 FAR-Specific Plan Overlay-Mixed Use Overlay-maximum 1.75 total FAR within either Option 1: 0.2 Commercial FAR/45 du/acre or Option 2: 0.6 Commercial FAR/34 du/acre) and the modifications to Subarea 5A of the Community District and Subarea Schedule, is hereby approved. The Director of Planning is hereby directed to prepare and file an amended Land Use Map and an amended Land Use Element. A copy of said map and the Land Use Element, as amended, shall be available for inspection in the Planning Department.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2008.

ATTEST:

City Clerk

REVIEWED AND APPROVED:

City Administrator

Mayor

APPROVED AS TO FORM:

City Attorney

INITIATED AND APPROVED:

Planning Director

ATTACHMENTS

Exhibit A: Legal Description

Exhibit B: Sketch

Exhibit C: General Plan Changes

EXHIBITS A and B

See Attachment Nos. 1.3-1.7

**There are no changes in the legal description and the sketch
between the various recommended and alternative actions**

EXHIBIT C

ATTACHMENT NO. 13.4

GENERAL PLAN LAND USE ELEMENT EXCERPT

TABLE LU-2b (cont.)

Land Use Density and Intensity Schedule

| Density Category | Permitted Density/Intensity |
|---|--|
| <i>MIXED USE-VERTICAL INTEGRATION</i> | The intensities/densities of structures vertically-integrating housing and commercial uses shall be determined by a combination of FAR and units per net acre. Each Mixed Use site shall be limited by a total building area FAR, a commercial area FAR, and a residential density. The cumulative total of commercial area FAR and residential density cannot exceed the total building area FAR. |
| -F8 | Maximum total building area floor area ratio of 1.5, commercial FAR of 0.35, and 25 units per net acre. |
| -F9 | Maximum total building area floor area ratio of 1.5, commercial FAR of 0.5, and 25 units per net acre. |
| -F10 | Maximum total building area floor area ratio of 1.5; structure may be fully developed with commercial uses, or combined with housing at a maximum density of 25 units per net acre. |
| -F11 | Maximum total building area floor area ratio of 2.0; structure may be fully developed with commercial uses, or combined with housing at a maximum density of 25 units per net acre. |
| -F12 | Maximum total building area floor area ratio of 3.0; structure may be fully developed with commercial uses, or combined with housing at a maximum density of 30 units per net acre. |
| -F13 | Maximum total building area floor area ratio of 1.5; structure may be fully developed with commercial uses, or combined with housing at a maximum density of 15 units per net acre. |
| -F14 | <u>Bella Terra Area B: One of the following development scenarios may be developed. Densities and maximum floor area ratios between the two options can not be combined.</u> <ul style="list-style-type: none"> • <u>Option 1: Maximum total building area floor area ratio of 1.75; maximum commercial building floor area ratio of 0.2 (138,085 commercial square feet) and maximum 45 dwelling units per acre (713 residential units); OR</u> • <u>Option 2: Maximum total building area floor area ratio of 1.75; maximum commercial building floor area ratio of 0.6 (414,255 commercial square feet) and maximum 34 dwelling units per acre (538 residential units).</u> |
| <i>MIXED USE-HORIZONTAL INTEGRATION</i> | The densities/intensities of commercial and residential uses are indicated by an FAR for the commercial portion of the site and units per acre for the residential portion of the site. Site areas allocated for each use are specified in the policies contained in this element. |
| -(FAR)/upa* | Maximum floor area ratio and units per net acre as indicated for each zone on the Land Use Plan. |

TABLE LU-4 (Cont.)

Community District and Subarea Schedule

| Subarea | Characteristic | Standards and Principles |
|------------------------------|----------------------------------|--|
| 4J Beach | Permitted Uses | Category: Shoreline (“OS-S”) <ul style="list-style-type: none"> Coastal and recreational uses. |
| | Design and Development | In accordance with Policy LU 14.1.3. |
| 5 Regional “Core” | Area wide Functional Role | Enhance Huntington Center, the Edinger Corridor, and adjacent properties as a key focal point of regional commerce. |
| 5A Bella Terra Area A | Permitted Uses | Category: Commercial Regional (“CR”) Region-serving commercial uses permitted by the “CR” land use category and mixed-use structures vertically-integrating housing with commercial uses permitted by the “-mu” overlay. |
| | Density/Intensity | Category: “-F2” <ul style="list-style-type: none"> Height: four (4) stories |
| | Design and Development | Category: Mixed Use (-mu) ; Specific Plan (-sp) <ul style="list-style-type: none"> Require the preparation of and development in conformance with a specific or master plan. Design and site development as a cohesive and integrated center and as stipulated by Policy LU 10.1.15. Locate buildings around common courtyards and pedestrian areas. Locate a portion of development along the Beach Boulevard frontage. Improve the signage and sense of entry from the Interstate 405 Freeway, Beach Boulevard, and other major access points. Implement extensive streetscape improvements along the Beach Boulevard and Edinger Street frontages. Promote the economic enhancement and revitalization of Bella Terra. |
| 5A Bella Terra Area B | Permitted Uses | Category: Commercial Regional (“CR”) <u>Region-serving commercial uses permitted by the “CR” land use category and mixed-use structures vertically-integrating and horizontally-integrating housing with commercial uses permitted by the “-mu” overlay.</u> |
| | Density/Intensity | Category: “-F14” <ul style="list-style-type: none"> Height: maximum ten (10) stories; see Specific Plan No. 13 for further restrictions on height |
| | Design and Development | Category: Mixed Use (-mu) ; Specific Plan (-sp) <ul style="list-style-type: none"> Require the preparation of and development in conformance with a specific or master plan. Design and site development as a cohesive and integrated center and as stipulated by Policy LU 10.1.15. Locate buildings around common courtyards and pedestrian areas. Locate a portion of development along the Edinger Street frontage. Implement extensive streetscape improvements along the Edinger Street frontage. Promote the economic enhancement and revitalization of Bella Terra. |

ALTERNATIVE ACTION – REDUCED GPA EIR ALTERNATIVE

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HUNTINGTON BEACH, CALIFORNIA, APPROVING
GENERAL PLAN AMENDMENT NO. 07-001**

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Pursuant to California Government Code, the City Council of the City of Huntington Beach, after notice duly given, held a public hearing to consider General Plan Amendment No. 07-001; and

The City Council finds that said General Plan Amendment No. 07-001 is necessary for the changing needs and orderly development of the community, is necessary to accomplish refinement of the General Plan, and is consistent with other elements of the General Plan.

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Avenue, west of the existing Bella Terra development and east of the Union Pacific Rail Road line in the City of Huntington Beach, and is more particularly described in the legal description and sketch attached hereto as Exhibits "A" and "B", respectively, and incorporated by this reference as though fully set forth herein.

SECTION 2: That General Plan Amendment No. 07-001, which amends the General Plan Land Use Designation for the subject area from CR-F2-sp-mu-(F9) (Regional Commercial-0.5 FAR-Specific Plan Overlay-Mixed Use Overlay-1.5 FAR [MU-0.5{C}/25 du/acre]) to M-sp (Mixed Use-Specific Plan Overlay) and the modifications to Subarea 5A of the Community District and Subarea Schedule, is hereby approved. The Director of Planning is hereby directed to prepare and file an amended Land Use Map and an amended Land Use Element. A copy of said map and the Land Use Element, as amended, shall be available for inspection in the Planning Department.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2008.

ATTEST:

City Clerk

REVIEWED AND APPROVED:

City Administrator

Mayor

APPROVED AS TO FORM:

City Attorney

INITIATED AND APPROVED:

Planning Director

ATTACHMENTS

Exhibit A: Legal Description

Exhibit B: Sketch

Exhibit C: General Plan Changes

EXHIBITS A and B

See Attachment Nos. 1.3-1.7

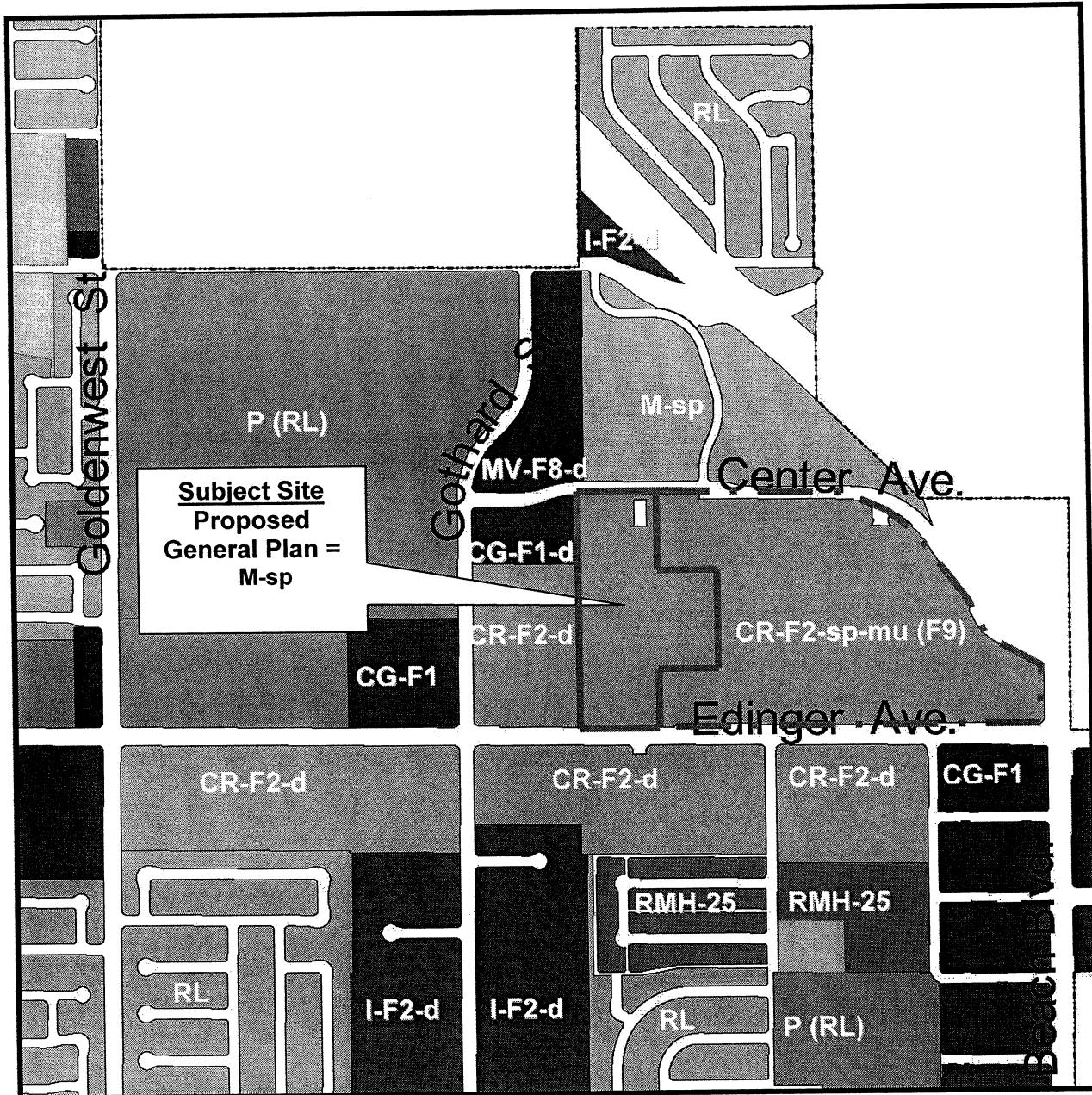
**There are no changes in the legal description and the sketch
between the various recommended and alternative actions**

EXHIBIT C

ATTACHMENT NO. 14.4

TABLE LU-4 (Cont.)**Community District and Subarea Schedule**

| Subarea | Characteristic | Standards and Principles |
|------------------------------|----------------------------------|--|
| 4J Beach | Permitted Uses | Category: Shoreline ("OS-S") <ul style="list-style-type: none"> Coastal and recreational uses. |
| | Design and Development | In accordance with Policy LU 14.1.3 . |
| 5 Regional "Core" | Area wide Functional Role | Enhance Huntington Center, the Edinger Corridor, and adjacent properties as a key focal point of regional commerce. |
| 5A Bella Terra Area A | Permitted Uses | Category: Commercial Regional ("CR") Region-serving commercial uses permitted by the "CR" land use category and mixed-use structures vertically-integrating housing with commercial uses permitted by the "-mu" overlay. |
| | Density/Intensity | Category: "-F2" <ul style="list-style-type: none"> Height: four (4) stories |
| | Design and Development | Category: Mixed Use (-mu) ; Specific Plan (-sp) <ul style="list-style-type: none"> Require the preparation of and development in conformance with a specific or master plan. Design and site development as a cohesive and integrated center and as stipulated by Policy LU 10.1.15. Locate buildings around common courtyards and pedestrian areas. Locate a portion of development along the Beach Boulevard frontage. Improve the signage and sense of entry from the Interstate 405 Freeway, Beach Boulevard, and other major access points. Implement extensive streetscape improvements along the Beach Boulevard and Edinger Street frontages. Promote the economic enhancement and revitalization of Bella Terra. |
| 5A Bella Terra Area B | Permitted Uses | Category: Mixed Use ("M") <u>Region-serving commercial uses permitted by the "CR" land use category and mixed-use structures vertically-integrating and horizontally-integrating housing with commercial uses permitted by Specific Plan No. 13.</u> |
| | Density/Intensity | <ul style="list-style-type: none"> Residential: Maximum of 538 units Commercial: Maximum of 138,085 square feet Height: maximum ten (10) stories; see Specific Plan No. 13 for further restrictions on height |
| | Design and Development | Category: Specific Plan (-sp) <ul style="list-style-type: none"> Require the preparation of and development in conformance with a specific or master plan. Design and site development as a cohesive and integrated center and as stipulated by Policy LU 10.1.15. Locate buildings around common courtyards and pedestrian areas. Locate a portion of development along the Edinger Street frontage. Implement extensive streetscape improvements along the Edinger Street frontage. Promote the economic enhancement and revitalization of Bella Terra. |



**CURRENT AND PROPOSED GENERAL PLAN DESIGNATIONS
ALTERNATIVE ACTION: REDUCED PROJECT ALTERNATIVE**

**GENERAL PLAN AMENDMENT NO. 07-01 AND
ZONING TEXT AMENDMENT NO. 07-02
(THE VILLAGE AT BELLA TERRA – 7777 EDINGER AVENUE)**

**COMPARISON OF DEVELOPMENT STANDARDS
(BELLA TERRA SPECIFIC PLAN NO. 13)**

| ISSUE | MIXED USE TRANSIT CENTER DISTRICT | PROPOSED BEACH-EDINGER SPECIFIC PLAN | BELLA TERRA SPECIFIC PLAN NO. 13 (Applicant's Request) | STAFF RECOMMENDATION |
|---------------------------------------|---|--|--|-------------------------|
| Review Process | Conditional Use Permit -PC | TBD | Site Plan Review - Staff | Agree |
| Design Principles | HBZSO - Design Guidelines | Specific Plan - Design Guidelines | Specific Plan - Design Guidelines | Agree |
| Permitted Uses | Mixed Use | Mixed Use | Mixed Use | Agree |
| Minimum Lot Area | 43,560 sq. ft. | None | 15 acres project site; no min. lot area. | Agree |
| Minimum Lot Width | 100 ft. | None | None | Agree |
| Min. Lot Depth | None | None | None | Agree |
| Maximum Floor Area Ratio (FAR) | 2.35 | None | 1.75 with limitations in General Plan | |
| Maximum Density | None | None | Option No. 1 – 45 du/ac or Option No. 2 - 34 du/ac | Option No. 1 – 45 du/ac |
| Maximum Height of Structures | 75 ft. (a minimum of 2 stories and a maximum of 6 stories) | 8 stories; 4 stories max on Edinger | 135 ft. 4 stories max. (Edinger) 6 stories (Overall) 10 stories (North 1/3) | Agree |
| Minimum Setbacks | 5 ft. 10 ft. 10 ft. | 0 min.; 5 ft. max. (Edinger) 0 ft. non-living, 10 ft. living 5 ft. | 0 ft. min.; 25 ft. max. 10 ft. None | Agree |
| Minimum Site Landscaping | 8% | TBD | 8%; 10% common | Agree |
| Minimum Residential Floor Area | 500 sq. ft. | None | 450 sq. ft. | Agree |
| Studio | -- | -- | -- | |
| One Bedroom | -- | -- | -- | |
| Two Bedrooms | -- | -- | -- | |
| Three+ Bedrooms | -- | -- | -- | |

**COMPARISON OF DEVELOPMENT STANDARDS
(BELLA TERRA SPECIFIC PLAN NO. 13)**

| ISSUE | MIXED USE TRANSIT CENTER DISTRICT | PROPOSED BEACH-EDINGER SPECIFIC PLAN | BELLA TERRA SPECIFIC PLAN NO. 13 (Applicant's Request) | STAFF RECOMMENDATION |
|---|---|---|---|---|
| Minimum Open Space Per Residential Unit Private Open Space Minimum Dimension | 150 sq. ft. 60 sq. ft. 6 ft. | 150 sq. ft. 60 sq. ft. 6 ft. | 150 sq. ft. Avg. 60 sq. ft. 6 ft. | Agree Min. 60 sq. ft. Agree |
| Off-Street Parking | Studio One Bedroom Two Bedrooms Three or More Bedrooms Guest Parking | 1 space per unit 2 spaces per unit 2.5 spaces per unit 1 space per 4 units Compact or tandem spaces may be allowed (not to satisfy min. parking req.) | 1 space per unit 1 space min.; 1.5 max 1.5 spaces min.; 2 max. TBD | Shared Parking Concept Tandem spaces may be allowed (not to satisfy min. parking req.) |
| Commercial Building Design Standards | HBZSO | TBD | Design Guidelines | Agree |
| | | 1) the maximum building length shall be 300 ft., with exceptions for a 20 foot inset 2) the maximum block size shall be 2,400 feet. | | |
| Private Storage Space | An average of 50 cu. ft. per unit | TBD | An average of 50 cu. ft. per unit | Agree |
| Reciprocal Access | Reciprocal ingress/egress access with adjacent properties | TBD | Reciprocal access across the rail line (above or at grade) if feasible, and no dedication, no payment for improvements, and right to disapprove | Reciprocal access across the rail line (above or at grade) |

